



Deposition of:  
**Kenneth Laverne Johnson , Jr.**  
*April 14, 2021*

In the Matter of:  
**Bowen v. Adidas**

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1 UNITED STATES DISTRICT COURT  
2 OF THE DISTRICT OF SOUTH CAROLINA  
3 COLUMBIA DIVISION

4 - - - - -x  
5 BRIAN BOWEN, II, :  
6 Plaintiff, :  
7 v. : Case Number  
8 ADIDAS AMERICA INC., : 3:18-cv-3118-JFA  
9 et al., :  
10 Defendants. :

11 - - - - -x

12  
13 - - -  
14 Wednesday, April 14, 2020  
15 - - -

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17  
18 REMOTE ZOOM VIDEO deposition of KENNETH LAVERNE  
19 JOHNSON, JR., beginning at 10:06 a.m., before  
20 Christina S. Hotsko, RPR, CRR, when were present  
21 on behalf of the respective parties:  
22

1 Mr. Johnson, do you need to take a break?

2 THE WITNESS: No.

3 MR. MCLEOD: Well, let's take a 15-minute  
4 break regardless, and -- because I'm going to eat  
5 a half a sandwich, and then we'll get back at it.  
6 How does that sound? Is that good with everybody?

7 MR. FORBES: That sounds good with me.

8 MR. MCLEOD: All right. 15 minutes.

9 Madam court reporter and videographer, is  
10 that all right with you all?

11 THE REPORTER: That works with me. Thank  
12 you.

13 MR. MCLEOD: Yes, ma'am.

14 VIDEO TECHNICIAN: The time is 12:46 p.m.  
15 This ends unit number 2. We're off the record.

16 (A recess was taken.)

17 VIDEO TECHNICIAN: The time is 1:12 p.m.  
18 This begins unit number 3. We're on the record.

19 EXAMINATION BY COUNSEL FOR PLAINTIFF

20 BY MR. MCLEOD:

21 Q. Mr. Johnson, my name is Mullins McLeod,  
22 and I represent Brian as a result of the injuries

1 he suffered from the Adidas bribery scheme.

2 The first thing I want to share with you  
3 is I respect your constitutional rights to assert  
4 the Fifth Amendment. Okay? Can you hear me okay?

5 A. Yes, sir.

6 Q. Okay. And my purposes are not served  
7 today by trying to trick you into waiving that  
8 constitutional right of yours. Okay?

9 A. Okay.

10 MR. MCLEOD: Mr. Crawford, it's okay with  
11 me, you know, if we go through this and, at the  
12 end, before we go off the record, I can give you  
13 and Mr. Johnson time to caucus. And if there is  
14 some question that he answered that either you or  
15 Mr. Johnson, you know, is concerned about, we can  
16 go back on the record and, as far as I'm  
17 concerned, you can identify that question and  
18 assert the privilege, and as far as I'm concerned,  
19 it won't constitute a waiver at all. Okay?

20 MR. DICKEY: I appreciate that. I don't  
21 think that's how it works. I think once you let  
22 the cat out of the bag, you can't, even for

1 purposes of a deposition, go back. I -- I  
2 appreciate what you're offering, but I don't think  
3 that's how it works.

4 MR. MCLEOD: Well, I think that -- well,  
5 anyway, that's just an offer I'm making. And  
6 we'll get going.

7 BY MR. MCLEOD:

8 Q. So Mr. Johnson, first, I just want to  
9 talk to you a little bit about basketball. Okay?  
10 Is that all right with you?

11 A. Yes.

12 Q. All right. In this country, has youth  
13 basketball developed fairly significantly within  
14 the last 20 years?

15 A. Yes.

16 Q. And could you share with me please, sir,  
17 how it has developed?

18 A. I think the advent of social media has  
19 shined a lot of light on the fact that there are a  
20 lot of talented players all around the country.

21 Q. Okay. Has the youth basketball travel  
22 circuits evolved a significant amount over the

1 last 20 years?

2 A. Yes.

3 Q. I think you shared, in your earlier  
4 testimony, that the AAU acronym is kind of an  
5 outdated, you know, designation.

6 Do you remember that?

7 A. Yes.

8 Q. And the AAU, does it stand for Amateur  
9 Athletic Union?

10 A. Yes.

11 Q. And under the AAU designation, were those  
12 leagues and tournaments governed by a governing  
13 body known as the Amateur Athletic Union?

14 A. Yes. I believe so.

15 Q. So 20 years ago, if somebody played AAU  
16 basketball, that was the only comparable -- or  
17 that was the only youth travel league available;  
18 is that right?

19 A. I believe so.

20 Q. And then at some point in time, is it  
21 true, sir, that companies, for-profit companies  
22 like Adidas, developed their own travel ball

1 circuits?

2 A. Yes. I'm not sure when, but yes.

3 Q. Okay. How long have you been in the  
4 coaching profession, sir?

5 A. I'd say since 2001, approximately.

6 Q. All right. So from 2001 until today has  
7 Adidas had its own youth travel circuit?

8 A. I'm not sure.

9 Q. Okay. Did Adidas have its own youth  
10 travel circuit, to your knowledge, in 2014, 2015,  
11 and 2016?

12 A. Once again, I'm not sure when it began,  
13 but I do remember -- I know that Adidas at one  
14 point had their own circuit.

15 Q. Okay. And Nike, in fact, has its own  
16 circuit as well, do they not?

17 A. Yes.

18 Q. And the Nike youth travel circuit is  
19 referred to as -- what's the acronym?

20 A. EYBL.

21 Q. All right. And -- you said EBYL?

22 A. EYBL.

1 Q. And what does that stand for, sir?

2 A. Elite Youth Basketball League.

3 Q. All right. Does Under Armor have its own  
4 travel circuit for youth basketball in this  
5 country?

6 A. Yes.

7 Q. And what is the name of the Under Armor  
8 travel circuit, please, sir?

9 A. I don't recall offhand. If you know the  
10 name, I can confirm.

11 Q. That's okay. If you don't recall, I  
12 don't want you to guess.

13 Now, with regard to the Adidas travel  
14 circuit, is it generally referred to as the  
15 gauntlet series?

16 A. Yes. That's what I'm familiar with.

17 Q. Okay. And is it also your understanding  
18 that, with regard to the Adidas gauntlet series,  
19 they limit participation in that travel circuit to  
20 top-tier teams? Isn't that right?

21 A. Yes. I think -- yes. I believe that  
22 they determine the teams that they believe to be



1 top tier and it's limited to them.

2 Q. And so for example, if my son wanted to  
3 play on the Adidas gauntlet series travel circuit,  
4 if he wasn't a top-tier player, Adidas would not  
5 allow him access to that travel circuit; isn't  
6 that correct?

7 A. Well, the teams are usually broken up  
8 into a representative geographical region. So  
9 depending on the geographical region and the  
10 bordering state that you lived in, your son would  
11 need to make -- be able to be accepted on one of  
12 those teams. And if one of those teams was deemed  
13 by Adidas to be good enough to participate in  
14 their league, then that's how it would work. I  
15 don't think Adidas, like, goes through -- or any  
16 of the shoe companies goes through and selects  
17 individual players to say whether they're good  
18 enough. I think it's up to the individual teams  
19 to select the player, and then those teams can try  
20 to be qualified for the circuits.

21 Q. Okay. So your understanding of the way  
22 the gauntlet series works is that teams try to

1 qualify with Adidas so that they are able to  
2 compete on its premier circuit, otherwise known as  
3 the gauntlet series; is that right?

4 A. Yes.

5 Q. Now, if -- once teams are allowed to  
6 participate on the gauntlet circuit, do they  
7 receive, to your knowledge, funds from Adidas?

8 A. Yes. To my knowledge, there's  
9 sponsorship funds, yes --

10 Q. Okay.

11 A. -- and apparel. Sponsorship funds and  
12 apparel.

13 Q. And would it be fair to say, sir, that  
14 the Adidas gauntlet travel circuit is a  
15 well-funded youth basketball travel circuit?

16 A. It would be my opinion that I'd be  
17 giving, but I would say yes.

18 Q. So for example, on the gauntlet series,  
19 you don't have circumstances where kids don't have  
20 shoes to play ball, do they?

21 A. I would say not typically.

22 Q. Right. And Adidas will provide the

1 apparel and the gear needed to compete on that  
2 circuit if the team requests the apparel; isn't  
3 that your understanding?

4 A. Yeah, I think each team -- I don't think  
5 it's a universal deal. I think each team  
6 negotiates their own deal with a particular brand,  
7 but I could be mistaken with that. I don't  
8 know -- I'm not familiar with everyone's  
9 individual package. And then they will, I guess,  
10 compete with or without the apparel as they see  
11 fit.

12 Q. Okay. And I know that the travel leagues  
13 have been criticized, but in the beginning, wasn't  
14 one of the useful purposes of the travel leagues  
15 is it gave kids the ability to compete against  
16 other elite prospects across the country?

17 A. Yes.

18 Q. And so for example, a player may be the  
19 best player on his high school team and, in most  
20 high school games, be the best player on the  
21 court, and in that instance, the player doesn't  
22 get the competitive minutes needed to properly

1 develop his basketball skill.

2 Would you agree with that?

3 A. Yes.

4 Q. Would you agree with me that there's  
5 really no substitute in the preparation for the  
6 NBA for competitive minutes against elite  
7 competition?

8 A. No substitute as far as the -- are you  
9 saying that the summer gaunt- -- the series?

10 Q. Yes. Yes, sir. While they are -- while  
11 a player, an elite prospect, is in high school, is  
12 there any product that can better prepare them,  
13 basketball-wise, than these well-funded travel  
14 circuits?

15 A. I mean, I think that's subject for  
16 debate. I think that is definitely one of the top  
17 two or three ways to prepare yourself.

18 Q. For example, for a kid like Brian Bowen  
19 from Saginaw, Michigan, the opportunity to develop  
20 his basketball skills on a travel circuit would be  
21 instrumental to his development, wouldn't it?

22 A. I believe that is one of the ways that

1 would help him develop.

2 Q. Okay. Now, as far as elite prospects go,  
3 are you familiar, I'm assuming, with the rating  
4 system that has evolved over the years with regard  
5 to identifying and rating top-tier prospects?

6 A. Yes.

7 Q. And would one of those ratings agencies  
8 be Rivals.com?

9 A. Yes.

10 Q. Does ESPN have its own ratings system?

11 A. Yes.

12 Q. All right. Share with me, please, sir,  
13 whether or not, based upon your personal  
14 knowledge, these ratings systems are fairly  
15 involved and fairly reliable when it comes to  
16 identifying and rating our nation's top basketball  
17 prospects.

18 A. Yes. I mean, you're always going to  
19 have, you know, differences of opinions. But I  
20 believe that, taken in its totality, the ratings  
21 systems do a pretty good job of identifying  
22 prospects and kind of putting them in a general

1 ballpark of where they kind of shape out across  
2 the country.

3 Q. Yes, sir. And maybe a good way to look  
4 at that is, to compare it with the sport of  
5 football, football is just now getting to the  
6 point where you have these seven-on-seven travel  
7 teams, right?

8 A. Yes.

9 Q. When, 15 years ago, there was no such  
10 thing as a -- you know, a seven-on-seven travel  
11 football team, right?

12 A. I'm not sure.

13 Q. Well, let me -- maybe this is an easier  
14 question: Would you agree with me that, because  
15 of the well-funded travel circuits, the  
16 identification of elite prospects is more advanced  
17 in basketball than it is in football?

18 A. Yes. There's a -- yeah, there's -- I  
19 mean, there's a lot more members of football teams  
20 and so many positions. So I would say, yes, in  
21 basketball, the top prospects do generally --  
22 they're more easily identified or known.

1 Q. And sir, would one of the premier reasons  
2 for that to be the fact that you have this  
3 well-funded AAU -- I mean, I'm sorry, these  
4 well-funded travel circuits that aid and assist  
5 people in identifying the elite prospects?

6 A. Yes.

7 Q. Now, as far as Rivals goes, is it your  
8 general understanding that there are very few  
9 players in each high school class that qualify or  
10 are rated as a consensus five-star player?

11 A. Yes. Very few.

12 Q. And is it true, sir, that, on average,  
13 there are roughly 30 five-star players in each  
14 senior class in this country?

15 A. Yes.

16 Q. And the reason why there are 30 five-star  
17 players in each class is because there are 30 NBA  
18 teams; isn't that correct?

19 A. I've never identified that as a fact, but  
20 I can see how that makes sense.

21 Q. Because there are, in fact, sir, 30 NBA  
22 teams, correct?

1 A. Yes.

2 Q. And each NBA team gets one selection in  
3 the first round of each year's NBA draft; is that  
4 correct?

5 A. Yes.

6 Q. Now, in addition to the five-star rating,  
7 there's also a designation -- an award or accolade  
8 known as the McDonald's All American; is that  
9 right?

10 A. Yes.

11 Q. And share with me whether or not being  
12 designated as a McDonald's All American is a  
13 distinction in youth basketball in this country?

14 A. Yes. It's -- I believe it to be the  
15 highest honor that you can -- that a student  
16 athlete in high school would try to achieve, or be  
17 awarded with, is a McDonald's All American  
18 designation.

19 Q. Okay. And the Jordan Brand Classic game  
20 is another accolade that is only given to the best  
21 of the best as far as elite prospects go in this  
22 country; is that correct?



1 A. It is. But I guess -- I think Jordan  
2 Brand is a little different because I think they  
3 tend to select primarily from kids who played on  
4 the Nike circuit, the EYBL circuit.

5 Q. Okay. Now, in Brian's case, he was a  
6 consensus five-star recruit; isn't that correct?

7 A. I'm not sure. I believe -- I know that  
8 he was highly ranked. I'm not sure if he was  
9 consensus...

10 Q. Mr. Johnson, you don't know if Brian  
11 Bowen was a consensus five-star recruit coming out  
12 of high school?

13 A. I want to be extremely accurate, and I  
14 never recall seeing whether he was a five-star. I  
15 remember him being thought of as a top 20 player,  
16 but I don't know what each -- when you say  
17 consensus, I'm assuming you're talking about  
18 across all the different ranking services. So I  
19 don't know what each ranking service had him  
20 ranked.

21 Q. Okay.

22 A. I believe he -- if I had to make a guess,

1 I would say yes.

2 Q. Okay. And isn't it true, sir, that Brian  
3 was an McDonald's All American coming out of high  
4 school?

5 A. Yes.

6 Q. And he was the MVP of the Jordan Brand  
7 Classic game; isn't that correct?

8 A. Yes.

9 Q. And Brian was also the Indiana Gatorade  
10 player of the year in senior year in high school;  
11 isn't that correct?

12 A. Yes.

13 Q. And as far as the Gatorade player of the  
14 year selection in each state, is that a high honor  
15 for an elite prospect to be awarded?

16 A. I believe so.

17 Q. And in particular, the State of Indiana  
18 has a fairly proud basketball tradition, does it  
19 not?

20 A. Yes.

21 Q. Just like Kentucky, as a state, has a  
22 fairly proud basketball tradition; is that

1 correct?

2 A. Yes.

3 Q. So as far as an accolade or a distinction  
4 is concerned, would you agree with me that being  
5 the Indiana Gatorade player of the year is more of  
6 a distinction than being the New Mexico Gatorade  
7 player of the year?

8 A. Yeah. I think it's based off of sheer  
9 population of athletes to choose from  
10 participating at a high level, I would say so.

11 Q. And there are more, generally speaking,  
12 elite basketball players in the State of Indiana  
13 than there are in states like New Mexico; isn't  
14 that correct?

15 A. Yes.

16 Q. Now, isn't it true, sir, that, as far as  
17 the NBA draft is concerned, an overwhelming  
18 majority of first-round picks were McDonald's All  
19 Americans coming out of high school?

20 MR. MORAN: Objection.

21 THE WITNESS: I would be speculating. I  
22 know that first-round picks are coming a lot from

1 Europe nowadays. But if you're talking about  
2 players that are coming in the United States, I  
3 would assume that to be true. I haven't seen any  
4 details directly that speak to that.

5 BY MR. MCLEOD:

6 Q. Okay. I'm going to read for you a  
7 statistic, and I'll just ask you whether you would  
8 disagree -- agree or disagree with this statistic.

9 A. Okay.

10 Q. There have been seven acknowledged All  
11 American games since 2013. There are 24 players  
12 selected each year, and 168 players the past seven  
13 years. Of those 168, 100, or 59.5 percent, were  
14 selected in the NBA draft, and 73 were taken in  
15 the first round.

16 Do you have any reason to believe that  
17 those statistics are inaccurate?

18 A. No, I don't.

19 Q. Now, as far as the Jordan Brand Classic  
20 game is concerned, I'm going to share with you  
21 another statistic and just ask you, sir, whether  
22 you agree or disagree with that statistic.

1           There have been 14 co-MVPs of the Jordan  
2 game since 2013. Nine of the 14 were drafted in  
3 the first round, or 64.2 percent, and one was  
4 drafted in the second round.

5           Do those statistics appear to be accurate  
6 to you, sir, based upon your personal knowledge of  
7 recruiting and NBA draft picks?

8           A. Yes.

9           Q. Now, for an elite player like Brian,  
10 would it be fair to say that the colleges compete  
11 fiercely for the right to their basketball labor  
12 and basketball talent?

13          A. Yes.

14          Q. And share with me, please, sir, how you  
15 would generally describe the fierce competition  
16 among the elite college teams for the elite  
17 players.

18          A. I think there's what you consider to be  
19 high major conferences and -- or power five  
20 schools. I think that's more of a football term.  
21 But, you know, high major schools in the bigger  
22 conferences that will try to communicate with the

1 players. There are some schools that will call  
2 players every single day, at least once a day,  
3 maybe possibly multiple members of the staff.  
4 They will go and watch those players play with  
5 their summer basketball teams when they're allowed  
6 out. They won't miss a game. They'll have  
7 somebody there to watch them play every game.

8 And they will go and watch them at their  
9 high schools. They'll go watch them in their fall  
10 workouts. They'll watch them during their season.  
11 And they'll go watch them during their spring  
12 workouts. And then they will try to secure one of  
13 the official visits for them to come to the school  
14 so that they can host them at their school and try  
15 to get them to want to be a part of their  
16 university.

17 Q. Okay. And is part of the competition for  
18 these elite prospects' basketball labor and talent  
19 the offering of the basketball services that a  
20 particular school offers?

21 A. Yes.

22 Q. And for Louisville, would it be fair to

1 say that, in 2017, it was one of the top programs  
2 in the country?

3 A. Yes. I believe so.

4 Q. And is that something that you were proud  
5 of, and rightfully so?

6 A. Yes.

7 Q. It takes a lot of work to be good at  
8 anything, doesn't it, Mr. Johnson?

9 A. It does.

10 Q. And the college basketball life for a  
11 coach like you isn't as glamorous as it might look  
12 to some that are sitting in the stands; isn't that  
13 right?

14 A. Yes, there are a lot of hours that go  
15 into, and you're responsible for the lives of at  
16 least 13 people.

17 Q. Yes, sir.

18 Now, for Louisville, was one of the  
19 things that Louisville offered -- was one of those  
20 things Rick Pitino, a Hall of Fame coach?

21 A. Yes. Rick Pitino is a Hall of Fame  
22 coach, and he is known as a talent developer.

1 Q. And I was going to get to the talent  
2 developer piece, and I'll come back to that.

3 But just with regard to Coach Pitino's  
4 track record of success in college basketball,  
5 would you agree with me that it is a fairly  
6 sterling track record of success on the court?

7 A. Yes.

8 Q. And if I told you that Coach Pitino's  
9 record in NCAA tournament play was approximately  
10 75 percent, would that sound about right?

11 A. Yes.

12 Q. At Louisville, is it true that 12 of  
13 Coach Pitino's of 15 Louisville Cardinal teams  
14 made it to the NCAA tournament?

15 A. Yes. I believe so.

16 Q. And the 2013 Louisville team won the  
17 national championship; is that right?

18 A. Yes.

19 Q. Now, is Coach Pitino also one of a select  
20 few to have ever coached elite basketball  
21 prospects, to have coached multiple college teams  
22 to a Final Four appearance?



1 A. Yes.

2 Q. Did Coach Pitino do that at Providence?

3 A. Yes.

4 Q. Did he do that at Kentucky?

5 A. Yes.

6 Q. And did he also, sir, do that on multiple  
7 occasions at the University of Louisville?

8 A. Yes.

9 Q. Would you agree with me, sir, that the  
10 fact that Coach Pitino was able to take three  
11 different schools to the Final Four is a strong  
12 indicator that his coaching ability is extremely  
13 high?

14 MR. MORAN: Objection.

15 THE WITNESS: Yes.

16 BY MR. MCLEOD:

17 Q. Would you agree with me, sir, that for a  
18 coach to be able to take a school like Providence  
19 to the Final Four, it has to be a well-coached,  
20 well-disciplined, and well-conditioned unit?

21 A. Yes.

22 Q. Now, at Louisville, did Louisville also

1 offer Brian, in addition to elite coaching, elite  
2 competition?

3 MR. MORAN: Objection.

4 THE WITNESS: Are you asking about a  
5 specific person or are you talking about  
6 Louisville in general?

7 BY MR. MCLEOD:

8 Q. Well, let me ask a more artful question.

9 For any player that comes to Louisville  
10 and is a part of the men's basketball team, one  
11 benefit they get is playing in the ACC, correct?

12 A. Yes. We play in the ACC -- they played  
13 in the ACC. They would play a competitive  
14 non-conference schedule as well.

15 Q. Okay. And as far as the ACC is  
16 concerned, is it generally understood within the  
17 industry that the Atlantic Coast Conference is the  
18 most competitive conference in all of college  
19 basketball?

20 MR. MORAN: Objection.

21 THE WITNESS: I'm sure that it's going to  
22 be up for debate with some of the other

1 conferences, but I think it is definitely one of  
2 the -- I mean, undeniably it's one of the top  
3 basketball conferences.

4 BY MR. MCLEOD:

5 Q. Okay. And you mentioned, sir, that at  
6 Louisville another benefit is you play a  
7 competitive non-conference schedule; is that  
8 right?

9 A. Yes.

10 Q. And share with me, please, sir, from a  
11 basketball development and a national championship  
12 objective, why that's important.

13 A. Well, you want to test yourself against  
14 some of the elite competition to see where you  
15 stand. A lot of times the non- -- well, majority  
16 of the time the non-conference comes before your  
17 conference play will begin, so you'll have what  
18 you consider to be tuneups so you can kind of get  
19 an understanding of what your strengths are and  
20 what your weaknesses are.

21 But being on a stage where you're playing  
22 nationally televised games against other elite

1 competition, you know, sets you up for success in  
2 the future.

3 Q. And is it fair to say, sir, that at  
4 programs like Louisville another reason why you  
5 play a tough, competitive non-conference schedule  
6 is the end goal is a deep run in the NCAA  
7 tournament? Is that right?

8 A. Yes. If you can have a strong strength  
9 of schedule, that can -- on tournament selection  
10 day, hopefully that will help you get you a  
11 higher -- or a lower seed so that you are  
12 hopefully having an easier route to advance in the  
13 tournament.

14 Q. Okay. And so is it your understanding  
15 that the NCAA selection committee uses your  
16 non-conference schedule as part of the rating  
17 system and how teams are assigned seeds within the  
18 NCAA tournament?

19 A. Yes.

20 Q. And would it be fair to say, sir, that  
21 colleges like Louisville spend a significant  
22 amount of time trying to figure out and decide who

1 their non-conference opponents will be in a given  
2 year?

3 A. Yes.

4 Q. And is that time and effort devoted for  
5 that reason, for the selection committee in the  
6 hopes of getting a good seed in return?

7 A. Yes. That's a part of it.

8 Q. Would you agree with me, sir, that if 12  
9 of Coach Pitino's 15 teams at Louisville made it  
10 to the NCAA tournament, that that would represent  
11 a fairly large percentage of his teams playing in  
12 the tournament?

13 A. Yes.

14 Q. Would you agree, sir, that playing for  
15 Coach Pitino, in comparison to his peers, gives  
16 elite prospects like Brian a better chance of  
17 playing in the NCAA tournament because of  
18 Coach Pitino's track record of success?

19 A. Yes.

20 Q. Now, Mr. Johnson, would you describe  
21 the -- how would you describe the competition  
22 among NCAA member schools for the building of

1 athletic facilities in general?

2 A. The competition? I mean, I'm not as  
3 well-versed on the competition for the building of  
4 the facilities.

5 Q. Well, let me ask you this: Isn't it  
6 true, sir, that when -- at all times when you  
7 worked at Louisville as an assistant coach,  
8 whenever elite prospects would attend campus for  
9 their visit, one of the things that you all  
10 showcased were your training facilities; is that  
11 correct?

12 A. Oh, yes.

13 Q. And --

14 A. Especially recruiting and arena and  
15 dormitories.

16 Q. Okay. And those basketball-related  
17 services are important to elite prospects like  
18 Brian in their decision on where to commit their  
19 eligibility; isn't that correct?

20 MR. MORAN: Objection.

21 THE WITNESS: Oftentimes, yes.

22 (Discussion off the record.)

1 BY MR. MCLEOD:

2 Q. So Mr. Johnson, would it be fair to say  
3 that when an elite player like Brian chooses a  
4 school, that choice is made for primarily  
5 basketball reasons?

6 MR. MORAN: Objection.

7 BY MR. MCLEOD:

8 Q. You can answer.

9 A. My opinion is that will be a large  
10 portion of the reason why they would select a  
11 school.

12 Q. Okay. And would you also agree, sir,  
13 that when an elite prospect like Brian selects a  
14 school, that that selection is, in part, based  
15 upon economic gain down the road?

16 MR. MORAN: Objection.

17 THE WITNESS: Are you asking me about  
18 Brian or are you asking me about just elite  
19 prospects? Can you --

20 BY MR. MCLEOD:

21 Q. Elite prospects in general.

22 A. Okay. Can you repeat the question for

1 me?

2 Q. Yeah. Well, let me -- I'll ask you a  
3 better question.

4 Would you agree with me that, in general,  
5 a professional -- two of the most important  
6 decisions a professional basketball player makes  
7 in his career are made while he's still an  
8 amateur: One, where to spend the year or years  
9 after high school graduation preparing for the  
10 NBA; and two, when to forgo his NCAA eligibility  
11 and enter the draft?

12 MR. MORAN: Objection.

13 THE WITNESS: I would agree with that.

14 BY MR. MCLEOD:

15 Q. Okay. And let's talk about the first  
16 one, and that is where to spend the year or years  
17 after high school graduation preparing for the NBA  
18 draft.

19 Is there -- do you have any personal  
20 knowledge of there being any comparable amateur  
21 product in North America to prepare players for  
22 the NBA outside of NCAA basketball?



1           A. I believe NC- -- my personal opinion is  
2           that NCAA basketball is the best. I know they've  
3           established a G League component now. I don't  
4           know if it's called the G League or whatever  
5           they're calling it.

6           But I believe, personally, that the NCAA  
7           is the best way.

8           Q. Okay. And just to clarify my question,  
9           as far as an amateur product is concerned -- okay?

10          A. Yes.

11          Q. -- is there any comparable amateur  
12          product in North America other than -- that even  
13          begins to compare with the NCAA in its ability to  
14          prepare elite prospects for the NBA?

15          MR. MORAN: Objection.

16          THE WITNESS: Not in North America.

17          BY MR. MCLEOD:

18          Q. For example, church leagues, while  
19          beneficial in many regards, would not be a  
20          suitable or a comparable product to NCAA  
21          basketball with regards to preparation for the  
22          NBA; is that correct?

1 A. Correct.

2 Q. Are there any organized amateur leagues  
3 in North America that even come close to offering  
4 what the NCAA offers elite prospects like Brian in  
5 preparation for the NBA draft?

6 A. Not that I'm aware of.

7 Q. Okay. Now, with regard to the second  
8 decision -- most important decision that  
9 professional players make while they're still an  
10 amateur, when to forgo their eligibility and enter  
11 the draft, share with me why that is an important  
12 decision to make for any amateur elite prospect  
13 prior to going to the draft.

14 MR. MORAN: Objection.

15 THE WITNESS: If you -- my opinion is  
16 that if you enter the draft before the NBA teams  
17 that will select you don't feel as though you're  
18 ready to -- if you're not a high draftable  
19 prospect, you're forgoing your eligibility, so you  
20 can't return to college.

21 So you have to be very selective about  
22 making sure that you're ready to be drafted to

1 secure -- have a -- you know, preferably a  
2 first-round draft pick so that you can have a  
3 guaranteed contract which can kind of jump-start  
4 your longer-term career in the NBA.

5 Q. Yes, sir. And that decisionmaking  
6 process that elite prospects go through is  
7 something that you are very familiar with, having  
8 coached at a top-tier program like Louisville; is  
9 that fair to say?

10 A. Yes.

11 Q. Now, once a player like Brian goes  
12 through the NBA draft, they cannot return to  
13 college, correct?

14 A. Correct.

15 Q. And is it true, sir, that you can only go  
16 through the NBA draft once?

17 A. Go into the NBA draft and remain? Yes.

18 Q. Okay. And so, generally speaking, for  
19 players like Brian, you want to make sure that,  
20 when you go through the draft, your basketball  
21 abilities and your stock is at its highest; is  
22 that correct?

1 A. Yes.

2 Q. And that's a decision that most kids make  
3 while they are preparing for the NBA at elite  
4 college teams at various colleges across the  
5 country; isn't that right?

6 A. Yes.

7 Q. Okay. Now, for Louisville, have you seen  
8 any of the Forbes magazine articles that rate  
9 Louisville as the richest, most valuable college  
10 basketball team in the country?

11 A. Yes.

12 Q. And was it generally understood while you  
13 were an assistant coach at Louisville that  
14 Louisville was, in fact, the most valuable college  
15 team in the country?

16 A. Yes.

17 Q. Was one of the things, to your  
18 understanding, that led Louisville to be one of  
19 the wealthiest college teams in the country its  
20 apparel sponsorship deal with Adidas?

21 A. I had identified it, from my  
22 understanding, to be with the arena that they have

1 and the fact that they can generate that. But I  
2 could also, without -- well, I don't want to make  
3 a guess about their apparel deal because I didn't  
4 have any knowledge of what their actual apparel  
5 deal was.

6 Q. Yes, sir. Fair enough. And I don't want  
7 you to guess. Okay? I totally understand.

8 In 2014 and 2015, it's been reported that  
9 Louisville basketball program averaged  
10 approximately \$52 million in revenues.

11 Does that figure sound about right to  
12 you, based upon having been a coach at Louisville?

13 A. Yes.

14 Q. All right. And it's been reported that  
15 Louisville, their profits during the same time,  
16 eclipsed the profits of some NBA teams like the  
17 Cleveland Cavaliers.

18 Is that your general understanding from  
19 having worked -- I mean, having coached at  
20 Louisville?

21 A. That's my first time hearing that  
22 statistic.

1 Q. Okay. Were you aware that it's been  
2 reported that Louisville's annual revenues are  
3 greater than the Oklahoma City Thunder?

4 A. No, I hadn't read that.

5 Q. Had you read it reported that  
6 Louisville's annual revenues eclipsed those of the  
7 Charlotte Hornets?

8 A. No.

9 Q. Okay. Now, the arena where Louisville  
10 plays its home games and practices is known as  
11 what?

12 A. Yum! Center.

13 Q. Yes, sir. And is that a fairly  
14 sophisticated, state-of-the-art facility?

15 A. Yes.

16 Q. Has it been generally reported that the  
17 cost of construction of that state-of-the-art  
18 facility being \$237 million?

19 A. I don't know.

20 Q. Share with me, please, sir, the type of  
21 training and services that an elite prospects like  
22 Brian can get within the arena known as the

1 Yum! Center.

2 A. The actual arena downtown Louisville, the  
3 Yum! Center, we have the game floor, and there's  
4 also a practice gym within that arena, as well as  
5 there's hot tub, cold tub there, and I think some  
6 other types of training equipment for recovery.

7 Q. How about a weight room, sir? Is a  
8 weight room located in the arena?

9 A. Not at the -- not when I was -- not at  
10 the downtown arena. There's the weight room on  
11 campus, the little Yum! Center, where -- we  
12 consider our practice facility had a practice  
13 court, a weight room, and coaches' offices in that  
14 building.

15 Q. Okay. And in the little Yum! Center, was  
16 that also a state-of-the-art training facility?

17 A. Yes.

18 Q. And was the little Yum! Center and the  
19 big Yum! Center two of the main attractions, if  
20 you will, that Louisville used to compete for the  
21 basketball services and basketball talents of  
22 elite prospects like Brian?

1 A. Yes.

2 Q. And as far as the big Yum! Center is  
3 concerned, it seats roughly 20,000 fans; is that  
4 right?

5 A. Yeah. Yes. I'm sorry.

6 Q. In comparison to other arenas in college  
7 basketball, would you agree with me that that is a  
8 very large arena?

9 A. Yes.

10 Q. Would you agree with me, sir, that in  
11 fact, Louisville's arena is much larger than some  
12 NBA arenas, as far as the number of fans allowed  
13 in the arena?

14 A. I'm not exactly sure how big a lot of NBA  
15 arenas are. But I know -- I guess from my  
16 research at the time, I thought that the  
17 attendance at our games was significantly more  
18 than some NBA teams.

19 Q. And that fan attendance and the size of  
20 the arena, was that also part of the  
21 basketball-related services that Louisville used  
22 to attract elite prospects like Brian?



1 A. Yes.

2 Q. Now, at Louisville, as far as the  
3 revenues go, isn't it true, sir, that unlike at  
4 other schools like Michigan or Alabama or Ohio  
5 State, at Louisville a vast majority of the  
6 revenue comes from basketball? Isn't that right?

7 A. Yes. Referring to -- as opposed to  
8 football?

9 Q. As opposed to combining football and  
10 basketball.

11 A. Yes.

12 Q. And if it has been reported that  
13 Louisville's basketball team accounts for  
14 72 percent of the athletic department's booster  
15 donations, does that number sound about right to  
16 you based upon your personal knowledge having  
17 coached at Louisville?

18 A. I don't know.

19 Q. Okay. Now, I want to read you a quote  
20 and ask you if you agree or disagree based upon  
21 your personal knowledge having coached at  
22 Louisville.

1           The modern legal understanding of  
2       commerce is broad and surely encompasses the  
3       transaction in which an athletic recruit exchanges  
4       his labor and image and likeness rights for a  
5       scholarship in a division I school because it is  
6       undeniable that both parties -- the school and the  
7       elite prospect -- to that exchange anticipate  
8       economic gain from it.

9           Would you agree or disagree with that  
10       quote?

11           MR. MORAN:   Objection.

12           THE WITNESS:   I have no opinion on that  
13       quote.

14       BY MR. MCLEOD:

15           Q.   Okay.   When -- at the time Brian was  
16       being recruited, was one of the criticisms of  
17       Coach Pitino the perception that he did not like  
18       one-and-done players?

19           A.   Yes.

20           Q.   And that perception of Coach Pitino was a  
21       recruiting disadvantage for the school, was it  
22       not?

1 A. Yes.

2 Q. For example, Louisville's in-state rival,  
3 Kentucky, is fairly well-known for one-and-done  
4 recruiting classes, correct?

5 A. Correct.

6 Q. And isn't it true, sir, that one of the  
7 reasons why Brian was so attracted to Louisville  
8 and Adidas was because Pitino wanted to coach a  
9 one-and-done player so he could get rid of that  
10 public perception?

11 A. Upon advice of counsel, I'm exercising my  
12 Fifth Amendment privilege.

13 Q. Okay. Let me first show you -- we've got  
14 this marked as Exhibit 17 [sic], which are your  
15 text messages. And they are text messages 137,  
16 138, and 139.

17 A. Is this is in Exhibit 3?

18 Q. Yes, sir, it is.

19 A. Okay. And you said --

20 Q. I thought they put in all the --

21 MR. MCLEOD: Did you all put in all the  
22 text messages? Mr. Forbes?

1 THE WITNESS: One has -- I mean, it has  
2 19 --

3 MR. FORBES: I don't think so.

4 MR. MCLEOD: Okay.

5 MR. FORBES: I mean, I think there are  
6 other --

7 MR. MCLEOD: Okay.

8 MR. FORBES: There are other text  
9 messages as well.

10 MR. MCLEOD: All right.

11 So we're loaded up now, sir.

12 THE WITNESS: Exhibit 4? Okay. 137?

13 MR. MCLEOD: Give me two seconds, please,  
14 sir.

15 THE WITNESS: Okay.

16 (Johnson Deposition Exhibit 4 marked for  
17 identification and attached to the  
18 transcript.)

19 BY MR. MCLEOD:

20 Q. Okay. So Mr. Johnson, this is Exhibit 4  
21 to your deposition.

22 And do you have these text messages up on

1 your screen?

2 A. Yes.

3 Q. And let me first ask you -- I know they  
4 asked you earlier -- but the phone number  
5 associated with these text messages was, in fact,  
6 your phone number back in May of 2017; is that  
7 correct?

8 A. Yes, if you're referring to  
9 (301) 326-0616.

10 Q. Yes, sir. And did the university or the  
11 athletic department pay your phone bill or provide  
12 your phone?

13 A. They gave us a stipend for the phone  
14 bill.

15 Q. Okay. So a part of your compensation as  
16 an assistant coach at Louisville included them  
17 paying for your cell phone; is that correct?

18 A. Yes.

19 Q. And as far as your compensation goes in  
20 general, you had the benefit of being a fairly  
21 highly paid assistant coach; is that right?

22 A. Yes.

1 Q. And I think your annual salary at the  
2 time Brian lost his eligibility was approximately  
3 \$550,000. Does that sound right?

4 A. Yes.

5 MR. MORAN: Objection.

6 BY MR. MCLEOD:

7 Q. And I'm not criticizing you at all.  
8 Everybody has a right to their own financial  
9 affairs. I just wanted to make sure that the jury  
10 understood that you were pretty high up on the  
11 food chain at Louisville as it relates to the  
12 basketball team; is that right?

13 A. As far as being on the staff? Yes.

14 Q. So there was Rick Pitino, and the person  
15 with the next-most seniority within the basketball  
16 program was yourself; is that correct?

17 A. I was there -- if you're talking about  
18 basketball coaches, I was there the same amount of  
19 time as David Padgett. If you're talking about  
20 basketball staff, he had several members of the  
21 staff that had been there many more years than I  
22 had.

1 Q. Well, maybe I didn't ask an artful  
2 question.

3 Was there anybody else on the Louisville  
4 basketball staff that made -- of course other than  
5 Coach Pitino -- that made over a half a million  
6 dollars a year?

7 A. No.

8 Q. Was there anybody else on Louisville  
9 basketball staff or coaching staff that made even  
10 close to half a million dollars a year other than  
11 yourself and Coach Rick Pitino?

12 A. Yes, there was.

13 Q. And would that have been Mr. Padgett?

14 A. Yes.

15 Q. Okay. Were there any other highly  
16 compensated members of the Louisville coaching  
17 staff other than yourself, Mr. Padgett, and Coach  
18 Rick Pitino?

19 A. I'm not certain how much Jordan Fair made  
20 at that time.

21 Q. Okay.

22 A. I know that he was compensated well.

1 Q. So let's go back to Exhibit 4. And could  
2 you just share with me the -- in general, without  
3 reading it yet, what is contained in the far  
4 right-hand column as it relates to Brian?

5 A. I mean, I can tell you what it says. I  
6 don't know what you're asking me.

7 Q. Is the information contained in the far  
8 right-hand column of Exhibit 4 a scouting report  
9 on Brian?

10 A. I was -- so it says to Coach G, which is  
11 the strength coach. So it looks like there's  
12 information about Brian that was sent to Coach G.

13 Q. All right. If you'll come back down to  
14 the second paragraph -- and this is information  
15 that you sent to Coach G?

16 A. Yes. That's what it says. Yes.

17 Q. And with regard to his rankings among  
18 America's elite basketball product -- prospects in  
19 the class of 2017, please share with us what you  
20 communicated to Coach G.

21 A. Okay. It says five-star; 27 sports --  
22 247 Sports - 18th in the country; Rivals - 20th in



1 the country; ESPN - 13th in the country; Scout -  
2 18th in the country.

3 Q. Okay. And does -- right above what you  
4 just read, does it also indicate McDonald's -- he  
5 was a McDonald's All American?

6 A. Played in McDonald American game, Jordan  
7 Brand game, Ball is Life game.

8 Q. Okay. Now, having looked at Exhibit  
9 Number 4 and seeing that you informed Coach G that  
10 Brian was a five-star prospect, does that refresh  
11 your memory with regard to whether or not he was,  
12 in fact, a five-star recruit?

13 A. Yes.

14 Q. Now, when you sent this text message to  
15 the strength and conditioning coach, did you send  
16 this text in your capacity as -- and in the course  
17 and scope of your employment with the Louisville  
18 men's basketball team?

19 MR. FORBES: Objection.

20 BY MR. MCLEOD:

21 Q. This is not -- Mr. Johnson, this is not a  
22 trick.

1 A. Okay.

2 Q. You're acting as a coach, and that's why  
3 you're sending the text to the strength coach.  
4 And if you don't know, don't answer. But that's  
5 the purpose of the question. My purpose is not to  
6 trick you in any way.

7 So when you sent this text to the  
8 strength and conditioning coach, did you send this  
9 text in the course and scope of your work as a  
10 member of the Louisville basketball coaching  
11 staff?

12 A. I don't remember if this was a forwarded  
13 text message or if it was a text message that I  
14 originated. But Coach G was a coworker of mine,  
15 so I would be sending this text -- I sent this  
16 text message to my co-worker.

17 Q. Okay. And the text message was on May  
18 29th, 2017.

19 Do you see that?

20 A. Yes.

21 Q. And was May 29th, 2017, on the eve of  
22 Brian's recruiting visit to the University of

1 Louisville?

2 A. Upon advice of counsel, I'm exercising my  
3 Fifth Amendment privilege.

4 Q. Okay. I understand and respect that.

5 Isn't it true, sir, that strength and  
6 conditioning was an important aspect of Brian's  
7 selection of where to commit his basketball  
8 talents and labors during his preparation for the  
9 NBA? Isn't that true?

10 MR. MORAN: Objection.

11 THE WITNESS: Upon advice of counsel, I'm  
12 exercising my Fifth Amendment privilege.

13 BY MR. MCLEOD:

14 Q. Okay. Does it appear from Exhibit  
15 Number 4 that you were forwarding the strength and  
16 conditioning coach basic information about Brian  
17 so that the strength and conditioning coach could  
18 be knowledgeable about this particular recruit  
19 upon his visit to the school?

20 A. Upon advice of counsel, I'm exercising my  
21 Fifth Amendment privilege.

22 Q. Yes, sir. Now, if you'll come down past

1 where it talks about the other schools he was  
2 considering, could you read for me, please, sir,  
3 the words that begin with, "Brian Bowen is a  
4 nightmare matchup"?

5 A. Yes. "Brian Bowen is a nightmare matchup  
6 who consistently completes sequences where he  
7 rebounds the ball on the defensive, leads the  
8 break, and makes a play for one of his teammates,  
9 said La Lumiere head coach Shane Heirman. His  
10 shooting ability is unmatched. He dominates the  
11 glass on both ends of the floor."

12 Q. And Mr. Johnson, when you forwarded that  
13 information along to the strength and conditioning  
14 coach, did that information appear to you to be a  
15 truthful and accurate assessment with regard to  
16 Brian being a nightmare matchup?

17 A. Information was compiled -- are you  
18 asking me if I agree with that assessment of the  
19 quote from his head coach? His high school --

20 Q. Yes. Do you agree with the assessment  
21 that you forwarded to the strength and  
22 conditioning coach on May 29th, 2017?

1           A. I would use different words, but I  
2 definitely believed that he was a good player  
3 and -- and he was a versatile player who shot the  
4 ball really well and rebounded well for his  
5 position.

6           Q. Yes, sir.

7           And then if you come down to the next  
8 paragraph that begins with "Bowen is as skilled as  
9 you will find" -- do you see that, sir?

10          A. Yes.

11          Q. Could you please read that into the  
12 record for us?

13          A. Yes. "Bowen is as skilled as you will  
14 find for his size and youth. He can feasibly play  
15 any position on the floor other than center. He  
16 is best on the wing, where he can create and  
17 score. Bowen is very talented and has to be  
18 considered one of the best freshman in the Midwest  
19 if not, the country."

20          Q. And when you forwarded that assessment of  
21 Brian's basketball ability to the strength coach  
22 on the eve of Brian's visit to Louisville, did you

1 have any reason to believe that assessment was  
2 inaccurate for any reason?

3 A. Are you asking me, after reading that  
4 quote, do I feel like -- do I agree with what's  
5 said? Is that what you're asking me? Or are  
6 you asking me specifically what you --

7 Q. Let me ask a better question.

8 Would you have forwarded that information  
9 to the strength and conditioning coach if your  
10 assessment of Brian's basketball ability differed  
11 from that which is contained in this text message,  
12 more particularly Exhibit 4?

13 A. Upon advice of counsel, I'm exercising my  
14 Fifth Amendment privilege.

15 Q. Okay. Now, while we're on the strength  
16 and conditioning, let me ask you, again, isn't it  
17 true, sir, that Brian, despite his basketball  
18 abilities, was -- had a thin frame?

19 A. You're asking me did -- okay.

20 Q. So let me ask a better question. Brian  
21 was 6'7"; is that right?

22 A. Yes.

1 Q. And he had a good wingspan; isn't that  
2 correct?

3 A. I believe so. Yes.

4 Q. And he had broad shoulders, did he not?

5 A. I would say so. Yes.

6 Q. So he had a frame that, based upon your  
7 coaching knowledge, could take additional weight,  
8 strength, and muscle; isn't that correct?

9 A. Yes.

10 Q. And based upon your basketball knowledge,  
11 strength, weight, and muscle is an important  
12 development piece for elite prospects preparing  
13 for the NBA -- their NBA careers; is that correct?

14 A. Yes.

15 Q. Now, Bowen, Sr. actually thanked you once  
16 Brian got on campus for scheduling an appointment  
17 with Brian to speak to one of the team's  
18 nutritionists.

19 Do you remember that?

20 A. Upon advice of counsel, I'm exercising my  
21 Fifth Amendment privilege.

22 Q. Okay. Let me show you tab 16, please,

1 sir.

2 A. Okay.

3 (Johnson Deposition Exhibit 5 marked for  
4 identification and attached to the  
5 transcript.)

6 THE WITNESS: This is tab 18?

7 MR. MCLEOD: No, sir. I'm loading up  
8 tab 16.

9 THE WITNESS: There is a new one that  
10 popped up that says tab 18.

11 (Johnson Deposition Exhibit 6 marked for  
12 identification and attached to the  
13 transcript.)

14 BY MR. MCLEOD:

15 Q. All right. Mr. Johnson, I believe this  
16 is Exhibit 6 to the deposition --

17 MR. MCLEOD: And madam court reporter,  
18 you can correct me if I'm wrong. Am I correct on  
19 that Number 6?

20 THE WITNESS: I see a 6 now.

21 BY MR. MCLEOD:

22 Q. Okay. Now, if you would, please, sir,



1 scroll down to text message 348.

2 (Discussion off the record.)

3 BY MR. MCLEOD:

4 Q. Mr. Johnson, do you see text message  
5 number 348?

6 A. Yes.

7 Q. All right. And is this a text message  
8 that was sent July 21st, 2017, from your phone to  
9 Brian's father, Mr. Bowen, Sr.?

10 A. Yes.

11 Q. And the date of this text is roughly six  
12 weeks after Brian signed a four-year contract with  
13 Louisville wherein he committed his basketball  
14 labor and services; is that correct?

15 MR. FORBES: Objection.

16 THE WITNESS: Upon advice of counsel, I'm  
17 exercising my Fifth Amendment privilege.

18 BY MR. MCLEOD:

19 Q. Okay. At text message 348, this text  
20 message that you sent to Bowen, Sr. on that day  
21 states what, please, sir? If you could read that  
22 for the record.

1 A. "Nutritionist meeting set."

2 Q. Okay. And is it true, sir, that in this  
3 text message you were letting Brian's father know  
4 that you had followed through with setting up an  
5 appointment for Brian to meet with a nutritionist  
6 once on campus?

7 A. Upon advice of counsel, I'm exercising my  
8 Fifth Amendment privilege.

9 Q. Okay. When -- the phone number again  
10 associated with this text message was your phone  
11 number; is that correct?

12 A. From 348?

13 Q. Yes, sir.

14 A. Yes.

15 Q. And you sent this text message in your  
16 capacity as an assistant basketball coach for the  
17 Louisville men's basketball team; is that correct?

18 A. Yes. I was...

19 Q. All right. If you'll go down to text  
20 message 350, please, sir.

21 A. Okay.

22 Q. And is this a text message from Brian's

1 father to you dated July 21st, 2017?

2 A. Yes.

3 Q. And did Bowen, Sr. refer to you sometimes  
4 in text messages as Ken?

5 A. Upon advice of counsel, I'm exercising my  
6 Fifth Amendment privilege.

7 Q. Okay. Fair enough.

8 Could you read for the record, please,  
9 sir, the contents of the text message that  
10 Mr. Bowen sent to your phone, which was paid for  
11 by the university, on July 21st, 2017, at  
12 a.m.?

13 A. Okay. It says, on 350 -- it says, "Hey,  
14 Ken, thanks a lot. Because if he gets that  
15 nutrition down, his muscles and strength gain will  
16 skyrocket."

17 Q. Okay. Now, as far as your having worked  
18 with youth basketball players and elite basketball  
19 players, is consistent physical training an  
20 important part of a player's overall development?

21 A. Yes.

22 Q. Based upon your work in the AAU circuit

1 and at elite levels of college basketball, are  
2 competitive minutes important to a player's  
3 development in preparation for the NBA?

4 A. Yes.

5 Q. Based upon your having worked at an elite  
6 program in college basketball, is it important for  
7 elite prospects like Brian, in preparing for the  
8 NBA draft, to have good coaching?

9 A. Yes.

10 Q. And Mr. Johnson, is good coaching one of  
11 the things that you were good at?

12 A. In my opinion, yes.

13 Q. And is it because one of the things that  
14 drew you to the coaching profession was helping  
15 players reach their maximum potential; is that  
16 correct?

17 A. Yes.

18 Q. And helping players reach their maximum  
19 potential was personally rewarding, wasn't it,  
20 sir? Forget about money. Just that brought you a  
21 level of satisfaction being able to help a player  
22 reach his maximum potential; is that correct?

1 A. Yes. I believe it to be my purpose.

2 Q. Okay. Now, in college basketball, you  
3 all are pretty much sticklers when it comes to  
4 fundamentals. Would you agree with that?

5 MR. FORBES: Objection.

6 THE WITNESS: Are you asking college  
7 basketball in general? Or --

8 BY MR. MCLEOD:

9 Q. At Louisville.

10 A. Yes. The coaching staff at Louisville  
11 under Rick Pitino, yes, we were known as a  
12 development program.

13 Q. For example, I was watching March Madness  
14 this year. Wally Szczerbiak, talking about  
15 Coach Pitino, said that he went to Coach Pitino's  
16 camp when he was in the eighth grade, and even to  
17 this day he still remembers some of the  
18 fundamentals that Coach Pitino taught him and that  
19 turned him into an NBA player.

20 Is that type of assessment of Coach  
21 Pitino by Wally Szczerbiak consistent with what  
22 you understood Coach Pitino's reputation to be

1 with regard to development of elite prospects?

2 A. Yes.

3 Q. And is it probably frustrating at times  
4 that, when kids get to college, they don't know  
5 how to play defense? Is that right?

6 A. Yes.

7 Q. And it was probably frustrating to a  
8 certain extent, but when these elite prospects got  
9 to college for the first time, they really didn't  
10 know how to train, did they?

11 A. They didn't.

12 Q. And is part of the importance of  
13 preparing for the NBA at elite programs like  
14 Louisville getting elite prospects accustomed to  
15 consistent rigorous training?

16 A. Yes.

17 Q. Because isn't it true, sir, that, for  
18 most kids, if not all, this is the first time that  
19 they have lived away from home?

20 A. Yes.

21 Q. And with any type of development, is it  
22 important for players like Brian to develop the

1 ability to read and watch -- study game film?

2 A. Yes.

3 Q. Based upon you having worked in high  
4 school basketball and youth basketball, would it  
5 be fair to say there's a lot more film study going  
6 on at programs like Louisville as compared to your  
7 average high school basketball team?

8 A. Yes.

9 Q. Now, with regard to fundamentals,  
10 offensive and defensive schemes, would it be fair  
11 to say that the coaching and preparation elite  
12 players like Brian get at places like Louisville  
13 is invaluable to their preparation for the NBA?

14 MR. MORAN: Objection.

15 THE WITNESS: In my opinion, yeah.

16 BY MR. MCLEOD:

17 Q. So for example, if you were the head  
18 coach of Louisville today and a five-star recruit  
19 asked you whether he should play basketball at  
20 Louisville or go through the G League, strictly  
21 from a basketball preparation standpoint, what  
22 would your advice be to that elite prospect?

1 MR. MORAN: Objection.

2 MR. FORBES: Objection.

3 THE WITNESS: That's hard for me to say.  
4 I think I would need to know all the factors that  
5 are associated with that particular prospect. I  
6 mean, I would love to say I would believe in my  
7 personal development skills and the platform that  
8 I would have for a player, but it's unfair to say  
9 unless I know all the circumstances surrounding  
10 that particular student athlete.

11 BY MR. MCLEOD:

12 Q. Okay. When programs like Louisville  
13 compete with other programs for players like  
14 Brian, is it fair to say that free -- you know,  
15 traditional economic principles are not at play,  
16 i.e., price?

17 MR. FORBES: Objection.

18 THE WITNESS: Can you repeat that? I'm  
19 sorry.

20 BY MR. MCLEOD:

21 Q. Yeah.

22 So when Louisville pitches itself to



1 elite prospects like Brian, the essential focus of  
2 that pitch is related to the basketball services  
3 that the school offers; is that right?

4 A. Basketball is a big part of it.

5 Q. Okay. And schools -- unlike in a  
6 for-profit setting, schools can't compete with one  
7 another with regard to price because the price is  
8 capped by the NCAA; isn't that correct?

9 MR. FORBES: Objection.

10 THE WITNESS: Are you referring to the  
11 tuition?

12 BY MR. MCLEOD:

13 Q. Yes, sir.

14 A. The scholarship is -- will cover all  
15 room, books, and board.

16 Q. So in a normal circumstance, consumers  
17 make purchasing decisions oftentimes based upon  
18 price. You generally understand and recognize  
19 that, don't you?

20 A. Consumers?

21 MR. FORBES: Objection.

22

1 BY MR. MCLEOD:

2 Q. I'm sorry, sir?

3 A. You said consumers?

4 Q. Yes, sir.

5 A. Yes. Price. I would agree with that.

6 Q. All right. And for elite basketball  
7 products [sic], the topic of tuition, room, books,  
8 and math class, that rarely, if ever, comes up.

9 MR. MORAN: Objection.

10 THE WITNESS: Rarely do we -- rarely  
11 have, in my experience, have I discussed what the  
12 tuition cost is for a high-profile student  
13 athlete.

14 BY MR. MCLEOD:

15 Q. Yes, sir. And rather, your personal  
16 experience has been the topic that is discussed  
17 between you, members of Pitino's staff, and that  
18 elite prospect relate almost exclusively to  
19 basketball; isn't that correct?

20 A. Yes.

21 MR. MCLEOD: Okay. Let's take just a  
22 quick break, maybe ten minutes. I want to make

1 sure I've got these exhibits in order and give  
2 everybody a chance to use the ladies' or men's  
3 room.

4 VIDEO TECHNICIAN: The time is 2:28 p.m.  
5 This ends unit number 3. We're off the record.

6 (A recess was taken.)

7 VIDEO TECHNICIAN: The time is 2:45 p.m.  
8 This begins unit number 4. We're on the record.

9 MR. MCLEOD: Mr. Johnson, are you ready?

10 THE WITNESS: Yes.

11 BY MR. MCLEOD:

12 Q. Mr. Johnson, before I turn to Exhibit 5,  
13 let me go back real quick and ask you this.

14 Remember when we had talked about the two  
15 most important decisions a basketball player makes  
16 they make while they're still an amateur?

17 Do you remember that?

18 A. Yes.

19 Q. With regard to the second question on  
20 when to forgo their NCAA eligibility and go  
21 through the draft, what are the deadlines that the  
22 NCAA allows college players with regards to

1 pursuing whether or not they want to go through  
2 the draft and when they have to return back to  
3 school in order to maintain their eligibility?

4 MR. MORAN: Object to the form.

5 THE WITNESS: In my understanding, those  
6 deadlines changed this year. I know they're  
7 especially different now that there's a pandemic  
8 going on.

9 BY MR. MCLEOD:

10 Q. Yes, sir.

11 A. Back in 2017, what I recall was the  
12 player had to enter their name into the draft  
13 officially with the NBA to let them know that they  
14 can be evaluated. And then there was a deadline  
15 of sometime in May -- and I don't know the exact  
16 time -- where they would have to determine whether  
17 they're going to stay in the draft or return back  
18 to school and remove themselves from the draft.

19 Q. Okay. So it is your -- it has been your  
20 personal knowledge that the NCAA allows a window  
21 of time for college players to be evaluated by NBA  
22 teams without fully committing themselves to the

1 draft; is that correct?

2 A. Yes.

3 Q. And my understanding of that window of  
4 time is generally right after the season in early  
5 spring, and the player is allowed to be evaluated  
6 and get information, but they must return back to  
7 school sometime before June.

8 Does that sound about right to you?

9 A. Yes.

10 Q. And that window of time that the NCAA  
11 allows is a very important window of time for  
12 elite prospects like Brian; is that right?

13 A. Yes.

14 Q. And could you share with me, please, sir,  
15 why that window of time is so important to an  
16 amateur player's decision when and whether to  
17 forgo his NCAA eligibility and begin his NBA  
18 career?

19 A. Well, that period of time is usually  
20 spent -- a lot of prospects will get invited to  
21 try out for the pro teams or go to their workouts  
22 so the pro scouts can watch them play and then

1 give them feedback on where they project their  
2 potential draft status to be.

3 Q. And based upon -- has it been your  
4 personal knowledge that, based upon the feedback  
5 that these elite college players get, they use  
6 that feedback and evaluation to ultimately make  
7 decisions whether to begin their NBA career or to  
8 stay in school in hopes of improving their stock  
9 and their chances of being a first-round  
10 selection?

11 A. Yes.

12 Q. All right. Now, for somebody like Brian,  
13 isn't it true that trying to find the right  
14 basketball fit is a very important component of  
15 any elite prospect's decisionmaking process with  
16 regard to where to commit his basketball labor and  
17 services?

18 A. In my opinion, yes.

19 MR. MORAN: Object to form.

20 MR. FORBES: Objection.

21 BY MR. MCLEOD:

22 Q. And was it your experience, generally,

1 that the elite prospects were very selective in  
2 ultimately deciding where to commit their  
3 eligibility because they wanted to make sure that  
4 the particular school was, in fact, a good  
5 basketball fit with regard to their preparation  
6 and entry into the NBA?

7 MR. FORBES: Objection.

8 THE WITNESS: In my experience, yes.

9 BY MR. MCLEOD:

10 Q. Now, some of the lawyers in this case  
11 have insinuated directly and other times  
12 indirectly that Brian somehow did something wrong  
13 with being patient in the selection process of  
14 where to commit his basketball labor and services.

15 Do you remember those questions?

16 MR. MORAN: Objection.

17 THE WITNESS: Are you asking me  
18 specifically about Brian or about student athletes  
19 in general taking their time?

20 BY MR. MCLEOD:

21 Q. Well, I'm asking you about elite  
22 prospects in general.

1 A. Can you repeat the question for me?

2 Q. Yes.

3 Are most elite prospects fairly  
4 deliberate in making the decision on where to  
5 commit their basketball labor and talent?

6 MR. MORAN: Objection.

7 THE WITNESS: In my experience, what I  
8 found is that the players that are in a position  
9 to be selective, they do take their time in  
10 selecting a school because they want to make sure  
11 that when they go to that particular school, that  
12 there is the playing time available that they  
13 would be looking for. And a lot of times they --  
14 some of those players are waiting to see if the  
15 other prospects that are currently on that team  
16 ultimately decide to go pro.

17 BY MR. MCLEOD:

18 Q. Right. And so -- actually, in Brian's  
19 case, there was one of your players, Donovan  
20 Mitchell, that played on the 2016 team; is that  
21 right?

22 A. You're asking me about in Brian's case or



1 are you just asking me about Donovan --

2 Q. No. Did Donovan Mitchell play on the  
3 Louisville Cardinal men's basketball team during  
4 the 2016 season?

5 A. Yes.

6 Q. And did Donovan Mitchell take advantage  
7 of that window of time after the season to be  
8 evaluated by NBA teams in order to make a decision  
9 whether to remain at Louisville or whether to  
10 enter the NBA draft?

11 A. Yes, he did.

12 Q. And with regard to Donovan Mitchell, it  
13 wasn't until late spring that he ultimately  
14 decided to forgo his NCAA eligibility and declare  
15 for the draft; isn't that correct?

16 A. Yes.

17 Q. And based upon your personal knowledge of  
18 having coached Donovan Mitchell, one of the  
19 reasons why he chose to declare for the draft at  
20 that time was because he was projected to be a  
21 first-round pick; is that correct?

22 A. Yes. He went into it not knowing where

1 he would be --

2 MR. FORBES: Objection.

3 THE WITNESS: -- but then he ultimately,  
4 from my opinion, decided to stay in because he  
5 felt like he was going to be a first-round draft  
6 pick.

7 BY MR. MCLEOD:

8 Q. Okay. And based upon your personal  
9 knowledge of having coached Donovan Mitchell, was  
10 it your understanding that based upon the feedback  
11 and evaluations that he got from NBA teams, that  
12 it was his time to go because he believed he would  
13 be a first round pick?

14 A. Yes.

15 Q. And did Mr. Mitchell end up being the  
16 13th selection in that year's NBA draft?

17 A. Yes.

18 Q. And with any first-round selection in the  
19 NBA draft, does that guarantee the player's  
20 salaries for at least two years?

21 A. Yes.

22 Q. And under the collective bargaining

1 agreement with the NBA, does that first-round  
2 draft status also give the clubs a third and  
3 fourth year one-year option with regard to that  
4 initial rookie contract?

5 A. Yes.

6 MR. FORBES: Objection.

7 BY MR. MCLEOD:

8 Q. Now, for some elite players, I would  
9 imagine there are some difficulties getting them  
10 into school for academic reasons.

11 Have you seen those occasions during the  
12 course of your career?

13 A. Not only with the elite prospects. But,  
14 you know, different student athletes have  
15 different challenges.

16 Q. Yes, sir. And I don't want to ask you  
17 anybody's names. I just want to know, generally,  
18 are there circumstances with basketball players  
19 where it is a difficult task getting them admitted  
20 into an institution like Louisville for academic  
21 reasons?

22 A. Yeah, I've found that -- it's really

1 dependent on the individual case-by-case scenario.  
2 But there are some student athletes who -- because  
3 we're talking about high academic institutions  
4 that -- you know, they may not meet the general  
5 standards with their grade point average and/or  
6 their test scores. So, you know, they have to  
7 make sure that they meet those standards before  
8 they would be able to gain admittance to that  
9 university.

10 Q. Yes, sir. And so for a lot of players,  
11 they don't have the benefit of being able to wait  
12 to the last minute to commit to a team because the  
13 entry into the school takes a lot longer because  
14 of academic reasons; is that correct?

15 MR. MORAN: Objection.

16 MR. FORBES: Objection.

17 THE WITNESS: I mean, that's a  
18 generalization. I can't really...

19 BY MR. MCLEOD:

20 Q. Do you disagree with that generalization?

21 A. I, personally, don't disagree with that.

22 Q. Okay. And in Brian Bowen's case, he had

1 a good academic record, did he not?

2 MR. MORAN: Objection.

3 THE WITNESS: I don't really remember the  
4 specifics of --

5 BY MR. MCLEOD:

6 Q. Okay. Based upon your personal knowledge  
7 of Brian, were there any issues with regard to his  
8 academic record, his test scores, and getting him  
9 admitted at Louisville University?

10 A. Upon advice of counsel, I'm exercising my  
11 Fifth Amendment privilege.

12 Q. Okay. Now, let's go to Exhibit 5,  
13 please, sir; in particular text number 156.

14 A. 156? Okay.

15 Q. Yes, sir. Now -- so, again, this is a  
16 transcription of text message sent from your phone  
17 to Brian, Jr. on September 8, 2016; is that  
18 correct?

19 A. Yes.

20 Q. And when you sent this text to Brian, you  
21 did it in your capacity as a coach for the  
22 Louisville basketball team; is that correct?

1 A. Yes.

2 Q. And does the transcription of the text  
3 message that you forwarded to Brian on that date  
4 and at that time fairly and accurately depict  
5 the -- the text that you did, in fact, send to  
6 him?

7 A. Yes.

8 Q. Could you read for the record, please,  
9 sir, the main points that you outlined with regard  
10 to why Brian should choose Louisville regarding  
11 whether Louisville in particular was a good  
12 basketball fit for Brian?

13 A. "The main points are immediate playing  
14 time, featured scorer, playing the 2 and 3  
15 position. We have five players 6'10" and bigger,  
16 so never the 4. The fact that he wants to coach a  
17 one-and-done so people stop saying he doesn't like  
18 them or won't let them be. Plus scandal being  
19 behind us."

20 Q. Okay. Now, Mr. Johnson, at the top of  
21 it, immediate playing time, was there any doubt in  
22 your mind that Brian Bowen would get immediate

1 playing time as a member of the Louisville men's  
2 basketball team?

3 A. Are you asking about the time that I  
4 wrote this text message?

5 Q. Yes, sir.

6 A. No, I didn't believe so.

7 Q. You didn't think there was any issue.  
8 This kid was going to come to Louisville, he was  
9 going to start, and he was going to be a  
10 significant part of the 2017 season's team; is  
11 that correct?

12 MR. MORAN: Objection.

13 THE WITNESS: On September the 8th, 2016,  
14 yes, that's what I believed.

15 BY MR. MCLEOD:

16 Q. Okay. Now, the reference in here  
17 regarding playing the 2 and the 3 position, for  
18 players of Brian's size, at 6'7", are they  
19 versatile in that they can play multiple positions  
20 on the floor?

21 A. Yes. I felt like -- well, I felt like  
22 Brian had versatility to play multiple positions.

1 I think that his rebounding ability would lead to,  
2 for a lot of programs, having to play the  
3 power forward position, which wouldn't necessarily  
4 help him in his ultimate development of being a  
5 wing player if he was to have pro potential and  
6 aspirations. I felt like he needed to play more  
7 of a guard position than solely be used for his  
8 rebounding abilities.

9 Q. Yes, sir. And was one of the Brian's  
10 concerns that if he went to the wrong program and  
11 they tried to make him play the 4 position, that  
12 that would inhibit his preparation for the NBA,  
13 and is that why he was adamant that he believed he  
14 should be a 2 or 3 guard?

15 MR. MORAN: Objection.

16 THE WITNESS: I don't -- I don't remember  
17 a specific conversation, you know, at that point  
18 with Brian about that topic.

19 BY MR. MCLEOD:

20 Q. Okay. With regard to your text to him  
21 indicating that he would play the 2 or 3 position,  
22 was one of the reasons why you told him that he



1 would play one of the 2 or 3 positions is because  
2 of his shooting ability?

3 A. Yes.

4 Q. Brian had a pretty good outside shot,  
5 didn't he, Mr. Johnson?

6 A. I felt like he was one of the better  
7 prospects in the country shooting the ball.

8 Q. And when we say one of the better  
9 prospects in shooting, he was a natural shooter;  
10 is that fair to say?

11 MR. MORAN: Objection.

12 THE WITNESS: In my opinion, yes.

13 BY MR. MCLEOD:

14 Q. Sir?

15 A. In my opinion, yes.

16 Q. Okay. Now, the second part that  
17 indicates the fact that he wants to coach a  
18 one-and-done so people stop saying he doesn't like  
19 them, were you referring to Coach Pitino with  
20 those words texted to Brian on September 8, 2016?

21 A. Yes.

22 Q. And would it be fair to say, sir, that,

1 in addition to Brian's basketball abilities, one  
2 of the attractions for Coach Pitino was to get  
3 this stigma off his back that he didn't like  
4 one-and-done players; is that accurate?

5 MR. MORAN: Objection.

6 THE WITNESS: That was my opinion. It's  
7 never something that Coach Pitino said to me  
8 directly.

9 BY MR. MCLEOD:

10 Q. I understand. And that was your opinion  
11 based upon being involved in the intensive  
12 recruiting battles for the elite prospects across  
13 the country; is that correct?

14 A. Yes.

15 Q. And in -- being involved in those intense  
16 battles for the elite prospects, you came to learn  
17 what your competitors were saying about your  
18 coach; is that correct?

19 A. Yes. In the form of the term "negative  
20 recruiting," that was one of the things that they  
21 talked about.

22 Q. Yes, sir. Now, if you go down to text

1 message 164, this is a text, again, from -- well,  
2 let me ask you. Is this a text from you to Brian  
3 dated July 23rd, 2016, at just after midnight?

4 A. Is it after midnight East Coast time  
5 or -- I don't know what that time is.

6 But yes, I see the text message you're  
7 referring to, 164.

8 Q. Okay. And did you, in fact, initiate  
9 this text to Brian on that date at that time as  
10 depicted in Exhibit 5?

11 A. Yes.

12 Q. And did you initiate that text in your  
13 capacity as an assistant coach for the Louisville  
14 men's basketball team?

15 A. Yes.

16 Q. Now, it has been argued in this case that  
17 Brian might not make the men's basketball team.

18 Do you find that argument to have any  
19 merit, or do you find that argument to be wholly  
20 without merit?

21 MR. MORAN: Objection.

22 THE WITNESS: I need you to repeat --

1 explain that question. I didn't really understand  
2 what you were saying.

3 BY MR. MCLEOD:

4 Q. Was there any doubt in your mind at any  
5 time during the recruitment of Brian Bowen that he  
6 was going to play a substantial role in the team's  
7 success the following season?

8 A. If you're referencing my thoughts from  
9 2016, that -- would I -- I don't -- I would have  
10 assumed that Brian Bowen would have been a  
11 valuable member of the basketball program.

12 Q. Okay. And if you would read for the  
13 record text 164, please, sir.

14 A. "Yeah. We need a featured scorer for  
15 next year. Searching for a potential early entry  
16 pro."

17 Q. All right. And when you sent that text  
18 to Brian, were you referring to Brian as the  
19 featured scorer that Louisville was searching for?

20 A. Yes.

21 Q. And when you sent that text to Brian in  
22 your capacity as assistant basketball coach at

1     Louisville, did you fully believe at that time  
2     that Brian would be an early entry pro?

3             A.   At that time, it would be too early for  
4     me to tell.   It was common recruiting language  
5     that I may use.   I felt like he had -- with my  
6     limited analysis of his game, I felt like he had  
7     the potential to be a very good college basketball  
8     player who had pro potential --

9             Q.   And --

10            A.   -- but I couldn't --

11            Q.   Would you agree with me, sir, that at the  
12     time Brian committed to play for Louisville, it  
13     was substantially [sic] certain that at some point  
14     he would be drafted in the first round of the NBA  
15     draft?

16                   MR. MORAN:   Objection.

17                   MR. FORBES:   Objection.

18     BY MR. MCLEOD:

19            Q.   You can answer, Mr. Johnson.

20            A.   You're asking me about a period of  
21     time -- upon advice of counsel, I'm exercising my  
22     Fifth Amendment privilege.

1 Q. Okay. Are you familiar with the NBA  
2 projection website known as NBADraft.net?

3 A. Yes. I've seen it before.

4 Q. Is it a fairly well -- reputable resource  
5 for people within the industry as it relates to  
6 the evaluation and a projection of NBA draft  
7 picks?

8 MR. MORAN: Objection.

9 THE WITNESS: I'm not really well versed  
10 on those websites. In my opinion, I would think  
11 that it would be, you know, on par with some of  
12 the other sites.

13 BY MR. MCLEOD:

14 Q. Okay. And if NBADraft.net projected  
15 Brian as the 18th pick in the 2018 NBA draft,  
16 would you have any reason to disagree with that  
17 projection based upon your personal knowledge of  
18 Brian's basketball ability?

19 MR. MORAN: Objection.

20 BY MR. MCLEOD:

21 Q. You can answer, sir.

22 A. That's a hard projection for me to make

1 based off of their opinion. I don't know what  
2 their basis is, so I don't really -- I can't  
3 really give an opinion off of what their --

4 Q. Well, my question, sir, is whether, based  
5 upon your personal knowledge of Brian's basketball  
6 ability at the time he committed to Louisville, do  
7 you have any reason to disagree with  
8 NBADraft.net's projection of Brian as a first  
9 round pick --

10 MR. MORAN: Objection.

11 BY MR. MCLEOD:

12 Q. -- in the 2018 draft?

13 MR. FORBES: Objection.

14 THE WITNESS: I don't know.

15 BY MR. MCLEOD:

16 Q. You can answer.

17 A. I'm sorry, I don't know.

18 Q. Based upon your personal knowledge of  
19 Brian, do you have any reason to disagree with  
20 that --

21 MR. FORBES: Objection. Asked and  
22 answered. Mullins, you've asked the question, I

1 think, three or four times now, and he's answered  
2 your question.

3 BY MR. MCLEOD:

4 Q. Mr. Johnson, you can answer.

5 A. What is the question?

6 Q. Well, let's go to tab number -- let's  
7 see. We'll get to you talking about, hey -- you  
8 know, haters can hate, let's get the popcorn,  
9 Final Four. I'm going to -- you know, we'll go  
10 through all that. Okay? Let's start with tab 19,  
11 Exhibit Number 7.

12 (Johnson Deposition Exhibit 7 marked for  
13 identification and attached to the  
14 transcript.)

15 BY MR. MCLEOD:

16 Q. Sometimes I have to ask you to admit the  
17 obvious, and if you don't, we've got to go --  
18 we've got to do it the long way, we'll do it the  
19 long way.

20 A. So tab --

21 Q. So Exhibit 17 [sic].

22 A. Okay.



1 Q. Text message 166. Again, is this a text  
2 message that you sent to Brian on July 22nd, 2016?

3 A. Which exhibit?

4 Q. Exhibit Number 7. Text message number  
5 166.

6 A. I don't have -- 166. "You have to admit  
7 our style of play fits you. We encourage our  
8 guards to get buckets."

9 Q. Okay. Was that a text that you sent to  
10 Brian on July 22nd, 2016?

11 A. Yes.

12 Q. Did you send that text in your capacity  
13 as an assistant coach of Louisville's men's  
14 basketball team?

15 A. Yes.

16 Q. And did you believe at that time what you  
17 indicated in that text?

18 A. Yes.

19 Q. Mr. Johnson, isn't it true that, in fact,  
20 you stated that it was an honor for Brian to even  
21 consider committing his basketball talents and  
22 services to the University of Louisville?

1 MR. MORAN: Objection.

2 THE WITNESS: I don't recall saying that  
3 to him in those words.

4 MR. MCLEOD: All right. Give me one  
5 minute.

6 (Johnson Deposition Exhibit 8 marked for  
7 identification and attached to the  
8 transcript.)

9 BY MR. MCLEOD:

10 Q. Let me point your attention, sir, to tab  
11 number -- I mean, Exhibit Number 8.

12 A. Okay.

13 Q. And Mr. Johnson, do you see text  
14 number 109 in Exhibit 8?

15 A. Yes.

16 Q. All right. And is this a text message  
17 that you sent in your capacity as assistant coach  
18 for the Louisville men's basketball team to  
19 Brian's mother on May 25th, 2017?

20 A. Yes.

21 Q. And do you remember, sir, that one of the  
22 things that you all were concerned about was

1 making Brian's mother feel comfortable with  
2 Louisville as a destination because of the  
3 Strippergate scandal?

4 A. Upon advice of counsel, I'm exercising my  
5 Fifth Amendment privilege.

6 Q. Okay. Mr. Johnson, did the Strippergate  
7 scandal involve allegations that, from 2010 until  
8 2014, Louisville recruits were lured with  
9 prostitutes and female dancers?

10 A. Yes.

11 Q. And did Strippergate -- did the  
12 Strippergate scandal involve allegations that the  
13 strippers and the prostitutes were provided in the  
14 men's dormitory or in the basketball facility?

15 A. My understanding about the -- strippers  
16 were provided in the dormitory. I do recall  
17 hearing that. I never heard about them being  
18 provided in the men's basketball facility.

19 Q. Okay. Do you have any personal knowledge  
20 of whether Adidas paid for or provided the  
21 strippers or the prostitutes that were involved in  
22 the Strippergate scandal at Louisville?

1 A. I do not have any knowledge of that.

2 Q. Isn't it true, sir, that Mr. McGee gave  
3 out on some occasions 2 and \$3,000 in cash during  
4 these prostitute and female dancer coordinated  
5 events for elite recruits at Louisville?

6 A. I have no --

7 MR. FORBES: Objection.

8 BY MR. MCLEOD:

9 Q. You can answer, sir.

10 A. I have no knowledge of that.

11 Q. Would it surprise you if Adidas provided  
12 some of the cash needed to provide this rather  
13 inappropriate recruiting pitch to young high  
14 school kids? Would that surprise you if Adidas  
15 was involved?

16 A. I don't have an opinion on that.

17 Q. You don't have a -- you can't tell me  
18 that Adidas was not involved in providing the cash  
19 for those female exotic dancers or prostitutes,  
20 do [sic] you?

21 A. I cannot.

22 Q. Now, the Strippergate scandal, based upon

1 your personal knowledge, was it first made public  
2 sometime in October of 2016?

3 A. I don't recall exactly when it was first  
4 made public.

5 Q. Okay. Do you recall that the  
6 Strippergate first became public sometime in the  
7 calendar year 2016?

8 A. I don't recall exact -- I don't recall  
9 the year or the time when it was made public.

10 Q. Okay. If it's been reported that it  
11 first became public in 2016, do you have any  
12 personal knowledge that would disagree with that  
13 date?

14 A. I don't.

15 Q. All right. Could it have been reported  
16 earlier, sometime in October of 2015?

17 A. I don't recall.

18 Q. Okay. You do recall, though, sir, that  
19 the Strippergate scandal became public while Brian  
20 was in high school; isn't that correct?

21 A. Yes. That would make sense.

22 Q. Now, as a result of the Strippergate

1 scandal at Louisville, Coach Pitino and the  
2 university decided to self-report and to take a  
3 voluntary reduction in scholarships as a  
4 self-administered penalty; is that correct?

5 A. Yes.

6 Q. And is the university allowed to provide  
7 an elite prospect like Brian a scholarship if it  
8 is not -- if it does not have a scholarship to  
9 give?

10 A. No.

11 MR. FORBES: Objection.

12 BY MR. MCLEOD:

13 Q. So are scholarships in the competition  
14 for elite prospects like Brian a precious  
15 commodity at schools like Louisville?

16 MR. MORAN: Objection.

17 THE WITNESS: Yes.

18 BY MR. MCLEOD:

19 Q. And that scholarship is how -- one of the  
20 ways that you secure the basketball talent and  
21 services of elite prospects like Brian; is that  
22 correct?

1 MR. MORAN: Objection.

2 THE WITNESS: Yes.

3 BY MR. MCLEOD:

4 Q. Now, do you have any personal knowledge  
5 of any time after the Strippergate scandal became  
6 public when anybody from Adidas came to Louisville  
7 and indicated that Adidas was uncomfortable with  
8 the corporate relationship with Louisville in  
9 light of the prostitutes and the exotic dancers  
10 being provided to young top recruits?

11 MR. FORBES: Objection.

12 THE WITNESS: Upon advice of counsel, I'm  
13 exercising my Fifth Amendment privilege.

14 BY MR. MCLEOD:

15 Q. Do you -- would it surprise -- well, do  
16 you have any knowledge whether Adidas ever let the  
17 University of Louisville know that it was  
18 uncomfortable for corporate governance or business  
19 ethics reasons to be in a contract with the  
20 university in light of the Strippergate scandal?

21 A. Can you repeat that question one more  
22 time, please?

1 Q. Yes, sir.

2 Do you have any personal knowledge of  
3 anybody from Adidas ever coming to University of  
4 Louisville and indicating any reservations about  
5 being -- continued involvement with the university  
6 in light of the Strippergate scandal?

7 A. I don't have any personal knowledge.

8 Q. Okay. Because in fact, Adidas, after the  
9 Strippergate scandal, renewed their contract with  
10 the University of Louisville, did they not?

11 A. I'm not sure of the dealings with Adidas  
12 and Louisville.

13 Q. Are you generally aware, sir, that  
14 sometime after the Strippergate scandal, the  
15 for-profit company Adidas entered into a \$160  
16 million deal with the University of Louisville,  
17 which at that time was the fourth largest sports  
18 apparel contract in the country?

19 MR. FORBES: Objection.

20 THE WITNESS: Yeah, I don't have  
21 firsthand knowledge of that. I -- no, I don't  
22 have firsthand knowledge of that deal.



1 BY MR. MCLEOD:

2 Q. Did your salary increase as an assistant  
3 coach at Louisville in light of the new contract  
4 that Louisville entered into with Adidas?

5 A. That is not my understanding.

6 Q. Okay. Now, going back to tab number 20,  
7 and more particularly text message number 109.

8 A. Okay.

9 Q. This is a text from you to Carrie; is  
10 that correct?

11 A. Yes.

12 Q. And could you share with us, please, sir,  
13 what you text her on May 25th, 2017, in the leadup  
14 to her coming to Louisville campus for Brian's  
15 official visit?

16 A. 109?

17 Q. Yes, sir.

18 A. "Patience is a virtue. This will be a  
19 memorable story. I always tell people you may not  
20 get who you want, but you always get who you need.  
21 It's an honor to even be considered. Enjoy  
22 graduation tomorrow. That's such a great

1 accomplishment. I had one graduate from  
2 elementary and one from middle school this week  
3 myself."

4 Q. And Mr. Johnson, does that text  
5 message -- the transcription of that text message  
6 fairly and accurately depict that which you text  
7 Brian's mother on May 25th, 2017?

8 A. Yes.

9 Q. And I am assuming, sir, that you would  
10 not have indicated anything untruthful to her on  
11 purpose, would you?

12 A. No.

13 Q. And so you did, in fact, believe, as an  
14 assistant coach at University of Louisville, that  
15 it was an honor to be considered by Brian as the  
16 destination where he would commit his basketball  
17 talent and services; is that correct?

18 A. Yes.

19 Q. Now, let me turn you to -- this is tab  
20 21, so I don't know what exhibit that is.

21 MR. MCLEOD: We might have to upload this  
22 one.

1 (Johnson Deposition Exhibit 9 marked for  
2 identification and attached to the  
3 transcript.)

4 BY MR. MCLEOD:

5 Q. And Mr. Johnson, this is Exhibit 9. And  
6 in particular, sir, if I could turn your attention  
7 to text message number 163.

8 A. Okay.

9 Q. And again, is this a text message that  
10 you sent to Brian's mother on May 26th, 2017?

11 A. Yes.

12 Q. And I don't know if you were aware of  
13 this, but some of the defendants in this case,  
14 even the ones who have pled the Fifth for fear of  
15 going to federal prison longer than they already  
16 are, have been critical of Brian's mother.

17 Did you share their scorn or criticism of  
18 her?

19 MR. MORAN: Objection.

20 MR. FORBES: Objection.

21 THE WITNESS: I don't know what they have  
22 said about her.

1 BY MR. MCLEOD:

2 Q. Okay. Could you read for the record what  
3 you text Carrie on May 26th, 2017?

4 A. "I'm sure everyone compliments you. You  
5 did such a great job with him. We may have to get  
6 you to adopt a few more, or at least do a seminar  
7 on how to raise a young man in today's world."

8 Q. And Mr. Johnson, you did, in fact,  
9 believe that Carrie was a wonderful mother based  
10 upon the son that she raised; is that true, sir?

11 MR. MORAN: Objection.

12 THE WITNESS: That's what I -- that is  
13 what I text messaged her.

14 BY MR. MCLEOD:

15 Q. Okay. And Brian is a little bit unique  
16 from other elite prospects in that he's a little  
17 quiet, isn't he?

18 A. From what I remember about him, I really  
19 don't have an opinion on his personality.

20 Q. Okay. Do you recall whether or not Brian  
21 was generally shy, despite his basketball talents?

22 A. I don't.

1 Q. Now -- okay. Mr. Johnson, this is going  
2 to be Exhibit 10. I think we're loading it now.

3 (Johnson Deposition Exhibit 10 marked for  
4 identification and attached to the  
5 transcript.)

6 BY MR. MCLEOD:

7 Q. And this is Exhibit 10. And in  
8 particular, could you please, sir, go to text  
9 message 143.

10 Do you have that up on your screen,  
11 please, sir?

12 A. I do.

13 Q. All right. And is this a text message  
14 that was sent by you to Brian's father on  
15 June 5th, 2017?

16 A. Yes.

17 Q. And was this text message sent after  
18 Louisville had secured the rights to Brian's  
19 basketball talent and labor?

20 MR. MORAN: Objection.

21 THE WITNESS: Upon advice of counsel, I'm  
22 exercising my Fifth Amendment privilege.

1 BY MR. MCLEOD:

2 Q. Okay. Fair enough.

3 Could you read for me, please, sir, what  
4 you text Brian's father on June 5th?

5 A. "Three NBA teams called me about Donovan  
6 today. And guess what? Half the conversation was  
7 about Tugs. They love how hard he plays."

8 Q. And is that transcription of that text  
9 message that you sent to Brian's father on  
10 June 5th, 2017, a fair and accurate depiction of  
11 the text that you, in fact, sent?

12 A. Yes.

13 Q. And is it true, sir, that at least three  
14 NBA teams had called you within one week of Brian  
15 signing a four-year contract whereby Louisville  
16 secured his basketball labor and talents and  
17 inquired about him as an NBA prospect?

18 MR. MORAN: Objection.

19 MR. FORBES: Objection.

20 THE WITNESS: Upon advice of counsel, I'm  
21 exercising my Fifth Amendment privilege.

22

1 BY MR. MCLEOD:

2 Q. Mr. Johnson, the NBA teams that called  
3 you weren't asking about Tugs' ability to perform  
4 in the chemistry lab, were they?

5 MR. FORBES: Objection.

6 THE WITNESS: Upon advice of counsel, I'm  
7 exercising my Fifth Amendment privilege.

8 BY MR. MCLEOD:

9 Q. Mr. Johnson, the three NBA teams that  
10 called you within one week of Brian arriving at  
11 Louisville did not inquire about the number of  
12 books or which classes he was taking, did they?

13 A. Upon advice of counsel, I'm exercising my  
14 Fifth Amendment privilege.

15 Q. Okay. Isn't it true, sir, that at the  
16 time that you sent this text on June 5th, 2017, it  
17 was substantially certain that Brian Bowen would  
18 be a first [sic] pick in the NBA draft, whichever  
19 year he elected to forgo his NCAA eligibility;  
20 isn't that true, sir?

21 MR. MORAN: Objection.

22 MR. FORBES: Objection.

1 THE WITNESS: Upon advice of counsel, I'm  
2 exercising my Fifth Amendment privilege.

3 BY MR. MCLEOD:

4 Q. Okay. Now, once he -- from the time that  
5 he visited Louisville on May 30th, 2017, until the  
6 time that the university secured the rights to his  
7 basketball labor and talents, there was a fair  
8 amount of angst among the coaching staff whether  
9 or not Brian would actually choose Louisville;  
10 isn't that correct?

11 MR. FORBES: Objection.

12 THE WITNESS: Upon advice of counsel, I'm  
13 exercising my Fifth Amendment privilege.

14 BY MR. MCLEOD:

15 Q. Okay. Did you indicate during that  
16 window of time that you would not be able to sleep  
17 until Brian officially chose the University of  
18 Louisville?

19 MR. MORAN: Objection.

20 THE WITNESS: Upon advice of counsel, I'm  
21 exercising my Fifth Amendment privilege.

22 MR. MCLEOD: Bear with me please, sir.



1 THE WITNESS: No problem.

2 MR. MCLEOD: I may have to come back to  
3 that one.

4 In order to keep us moving, let me point  
5 your attention to tab 10. I'll let you know which  
6 exhibit it is.

7 (Johnson Deposition Exhibit 11 marked for  
8 identification and attached to the  
9 transcript.)

10 BY MR. MCLEOD:

11 Q. So this is Exhibit 11, sir.

12 A. Okay.

13 Q. And again, I hate to keep asking you the  
14 same question over, but the rules of evidence  
15 require me to do it.

16 Is this a text message -- in particular,  
17 text message number 22 -- that was sent by you  
18 from your 301 telephone?

19 A. Yes.

20 Q. And who did you send this text to on  
21 May 25th, 2017?

22 A. Which line are you --

1 Q. Number 22, please.

2 A. So it says to Brian, Jr., to Brian, Sr.,  
3 and to Carrie.

4 Q. All right. And could you share with us,  
5 please, sir, what you text to the family on  
6 May 25th, 2017, prior to his arrival at  
7 Louisville?

8 A. I text, "We are one star away from a  
9 Final Four run. We have a very good team. One  
10 piece away from being great."

11 Q. And Mr. Johnson, is what you read for the  
12 record a fair and accurate depiction of the text  
13 message that you, in fact, sent on May 25th to the  
14 Bowen family?

15 A. Yes.

16 Q. And Mr. Johnson, in this text message you  
17 refer to the team being one star away from a Final  
18 Four run.

19 Was the one star you were referring to  
20 Brian Bowen?

21 A. In that text -- yes.

22 Q. Okay. And based upon having refreshed

1 your memory with this text, would you agree with  
2 me that it would be rather absurd for anybody to  
3 draw the inference from that text that Brian Bowen  
4 might not make the men's basketball team at  
5 Louisville?

6 MR. MORAN: Objection.

7 THE WITNESS: I can't really give you an  
8 opinion on what someone would think.

9 BY MR. MCLEOD:

10 Q. Based upon that text message, do you  
11 think there's any way for someone to reasonably  
12 conclude from the contents of that text message  
13 that Brian Bowen might not make the men's  
14 basketball team?

15 A. In my opinion, no.

16 MR. FORBES: Objection.

17 BY MR. MCLEOD:

18 Q. Now -- and Mr. Johnson, one of the  
19 reasons why you don't believe it would be  
20 reasonable for somebody to draw that conclusion is  
21 because you wanted the family to know there was no  
22 doubt in your mind that Brian Bowen was that star

1 to help get Louisville to the Final Four; isn't  
2 that correct?

3 MR. MORAN: Objection.

4 THE WITNESS: Upon advice of counsel, I'm  
5 exercising my Fifth Amendment privilege.

6 BY MR. MCLEOD:

7 Q. All right. Let me -- bear with me, I'm  
8 sorry.

9 Did you -- as part of helping assure  
10 Brian that Louisville was a good basketball fit,  
11 did you have Donovan Mitchell reach out to Brian?

12 A. Upon advice of counsel, I'm exercising my  
13 Fifth Amendment privilege.

14 Q. Isn't it true, sir, that the team did, in  
15 fact, ask Donovan Mitchell to reach out to Brian  
16 to help persuade him that Louisville was a good  
17 basketball fit, considering Donovan Mitchell had  
18 officially declared for the draft?

19 A. Upon advice of counsel, I'm exercising my  
20 Fifth Amendment privilege.

21 Q. Yes, sir. Now, I'm going to show you tab  
22 number 13. And this will be Exhibit 12, sir.

1 (Johnson Deposition Exhibit 12 marked for  
2 identification and attached to the  
3 transcript.)

4 BY MR. MCLEOD:

5 Q. All right. Mr. Johnson, do you have  
6 Exhibit 12 on the screen, sir?

7 A. Yes.

8 Q. All right. And these are text messages,  
9 again, from your phone. And I'll ask you to go to  
10 text message 110.

11 A. Okay.

12 Q. Now, before I ask you about this text  
13 message, do you remember when we visited earlier  
14 about the intense recruiting battles that exist  
15 and that you've participated in with regard to  
16 securing the rights to elite prospects in college  
17 basketball? Do you remember that?

18 A. Yes.

19 MR. MORAN: Objection.

20 BY MR. MCLEOD:

21 Q. Once Brian committed to Louisville and  
22 the school secured the rights to his basketball

1 talents and labor, some schools and fans were  
2 upset, were they not?

3 MR. MORAN: Objection.

4 BY MR. MCLEOD:

5 Q. Sir?

6 A. Can you repeat the question?

7 Q. All right. Well, let me just -- I'll ask  
8 you -- let's look at text message number 111.

9 And is that a text message, sir, that was  
10 initiated by you to Bowen, Sr. on June 3rd, 2017?

11 A. Yes.

12 Q. All right. And was that text message  
13 sent in your capacity as assistant basketball  
14 coach of the Louisville men's basketball team?

15 A. Yes.

16 Q. And do the contents of that text message  
17 fairly and accurately depict the text message that  
18 you, in fact, sent to Brian's father on that date?

19 A. Yes.

20 Q. Could you read for me please, sir, and  
21 for the record, the contents of that text message?

22 A. "Kentucky and MSU fans aren't happy."

1 Q. All right. And the MSU fans that you  
2 refer to in text message number, 111, are you  
3 referring to the Michigan State University fans?

4 A. Yes.

5 Q. And why was Kentucky, your in-state  
6 rival, upset or unhappy that Louisville secured  
7 the rights to Brian's basketball talents and  
8 labor?

9 MR. MORAN: Objection.

10 THE WITNESS: Upon advice of counsel, I'm  
11 exercising my Fifth Amendment privilege.

12 BY MR. MCLEOD:

13 Q. Why were Michigan State fans in Brian's  
14 home state of Michigan unhappy about Louisville  
15 securing the rights to Brian's basketball labor  
16 and talents?

17 MR. MORAN: Objection.

18 THE WITNESS: Upon advice of counsel, I'm  
19 exercising my Fifth Amendment privilege.

20 BY MR. MCLEOD:

21 Q. All right. If you would, let's go down  
22 to 114 in the same exhibit.

1 And before I ask you about this text  
2 message, would it be fair to say, sir, that in  
3 these intense recruiting battles for our nation's  
4 elite basketball prospects, you win some and you  
5 lose some?

6 A. Yes.

7 Q. And it's no different than sometimes on  
8 the court you win games and you lose games.

9 A. Yes.

10 Q. And in Brian's case, isn't it true, sir,  
11 that the University of Louisville felt like they  
12 won by securing the rights to his basketball labor  
13 and talents?

14 MR. MORAN: Objection.

15 MR. FORBES: Objection.

16 THE WITNESS: Upon advice of counsel, I'm  
17 exercising my Fifth Amendment privilege.

18 BY MR. MCLEOD:

19 Q. Let's look at text message 114. And is  
20 this a text message that you sent on June 3rd,  
21 2017, to Brian's father?

22 A. Yes.



1 Q. And is it fair to say Brian's father was  
2 a little taken back by the negative press people  
3 complained about not getting Brian to their  
4 school?

5 MR. MORAN: Objection.

6 THE WITNESS: I don't know.

7 BY MR. MCLEOD:

8 Q. Okay. Read for me, please, sir, what you  
9 text Brian's father on that date in your capacity  
10 as assistant coach of Louisville men's basketball  
11 team.

12 A. "They scared. They know what's about to  
13 happen. Get your popcorn ready."

14 Q. And is that a fair and accurate  
15 description of the text message that you, in fact,  
16 sent to Brian's father on June 3rd, 2017?

17 A. Yes.

18 Q. And Mr. Johnson, when you referred to  
19 "get your popcorn ready," were you referring to  
20 the deep run that the Louisville men's basketball  
21 team was going to make in the upcoming year's NCAA  
22 tournament?

1 MR. MORAN: Objection.

2 THE WITNESS: I'm not sure what I was  
3 referring to exactly at that moment.

4 BY MR. MCLEOD:

5 Q. Were you referring to get your popcorn  
6 ready in order to watch a movie?

7 A. I'm not sure what I was referring to at  
8 that moment.

9 Q. Were you referring to get your popcorn  
10 ready so you could watch a Netflix or some other  
11 streaming content on a television?

12 A. I'm not sure what I was referring to, but  
13 I wouldn't assume that that's what I was referring  
14 to.

15 Q. Referring to a deep run in the NCAA  
16 tournament for the Louisville men's basketball  
17 team in Brian's freshman year, correct?

18 MR. MORAN: Objection.

19 THE WITNESS: I'm not sure if that's what  
20 I was referring to.

21 BY MR. MCLEOD:

22 Q. When you indicate in text message 114

1 "they are scared," who were you referring to by  
2 the words "they"?

3 A. I'm not sure who specifically I was  
4 referring to.

5 Q. Mr. Johnson, would there be any reason  
6 for the University of Louisville, which is  
7 considered, by all accounts, one of the winningest  
8 programs in NCAA history, to be scared of Brian if  
9 he was going to sit the bench?

10 MR. MORAN: Objection.

11 THE WITNESS: I don't -- there's a lot of  
12 layers to that question. I don't know.

13 BY MR. MCLEOD:

14 Q. Based upon your having coached against  
15 the University of Kentucky for many years, do you  
16 think John Calipari has ever game planned against  
17 a player who sits on the bench?

18 MR. MORAN: Objection.

19 MR. FORBES: Objection.

20 THE WITNESS: Not based on my  
21 understanding of what -- assumption of what they  
22 would be doing; they wouldn't be game planning for

1 somebody on the bench.

2 BY MR. MCLEOD:

3 Q. Based upon your coaching at the  
4 University of Louisville alongside Rick Pitino, a  
5 hall of fame coach, did you all ever game plan for  
6 a player who sat the bench?

7 MR. FORBES: Objection.

8 THE WITNESS: Are you referring to  
9 someone who never ever gets in the game or  
10 somebody who's on the roster?

11 BY MR. MCLEOD:

12 Q. Yeah. Somebody who never gets in the  
13 game.

14 A. Not traditionally, no.

15 Q. Right. And based upon your coaching at  
16 Louisville alongside hall of fame coach Rick  
17 Pitino, did you ever participate in any game plan  
18 where you all drew up defenses for an opposing  
19 player who might not even make the squad?

20 MR. MORAN: Objection.

21 THE WITNESS: No.

22

1 BY MR. MCLEOD:

2 Q. Is it true, though, sir, that in your  
3 capacity as an assistant coach at Louisville  
4 working alongside Rick Pitino, a hall of fame  
5 coach, you all often game planned against an  
6 opposing player who was a five-star recruit,  
7 McDonald's All American? Isn't that correct, sir?

8 MR. MORAN: Objection.

9 THE WITNESS: Yes.

10 BY MR. MCLEOD:

11 Q. And was that the case, sir, because in  
12 basketball, unlike in sports like football, one  
13 out of five players can make a significant  
14 difference in the outcome of a game?

15 MR. MORAN: Objection.

16 THE WITNESS: Yes.

17 BY MR. MCLEOD:

18 Q. Have you watched any of the Pelicans  
19 games over the last three weeks where they put  
20 Zion Williamson at the point position?

21 A. Yes.

22 Q. Hasn't the team's success, once they

1 moved Zion Williamson to the point, increased  
2 simply by moving him to a different position?

3 A. I believe so. Yes.

4 Q. And based upon your coaching background  
5 and watching those Pelican games, do you believe  
6 that one of the reasons for the team's new success  
7 is that the ball is in the hands of a former  
8 McDonald's All American and five-star recruit  
9 named Zion Williamson?

10 MR. MORAN: Objection.

11 THE WITNESS: Yes. In my opinion.

12 BY MR. MCLEOD:

13 Q. Mr. Johnson, now, do you have -- aside  
14 from injury, do you -- can you recall any instance  
15 where any college team that you coached for signed  
16 a McDonald's All American and a five-star recruit  
17 and that player did not make the basketball team?  
18 Did that ever happen in your career that you're  
19 aware of?

20 A. Not in my career.

21 Q. Okay. Has it been your experience in  
22 your career that the McDonald's All Americans and

1 five-star recruits are the creme de la creme and  
2 they make immediate impacts at the college level  
3 in preparation for the NBA? Has that been your  
4 experience, sir?

5 MR. MORAN: Objection.

6 THE WITNESS: In my experience, the  
7 high-profile recruits contribute.

8 BY MR. MCLEOD:

9 Q. Immediately. Isn't that correct, sir?

10 MR. MORAN: Objection.

11 THE WITNESS: The majority of them. Yes.

12 BY MR. MCLEOD:

13 Q. Now, for Brian's recruiting class at  
14 Louisville for 2017, he was the only five-star  
15 recruit in that year's class that committed their  
16 athletic services and basketball talents; isn't  
17 that correct?

18 MR. MORAN: Objection.

19 THE WITNESS: Upon advice of counsel, I'm  
20 exercising my Fifth Amendment privilege.

21 BY MR. MCLEOD:

22 Q. Isn't it true, sir, that Brian was one of

1 only two five-star recruits on the team  
2 considering all classes, freshman through senior,  
3 for the 2017 Louisville men's basketball team?

4 MR. FORBES: Objection.

5 THE WITNESS: I am not certain.

6 BY MR. MCLEOD:

7 Q. Isn't it true, sir, that when Brian  
8 committed to the University of Louisville, he was  
9 at that time the most highly decorated, highly  
10 ranked player that Louisville had on its men's  
11 basketball team, regardless of class?

12 MR. MORAN: Objection.

13 MR. FORBES: Objection.

14 THE WITNESS: I'm not certain.

15 BY MR. MCLEOD:

16 Q. Can you share with me, please, sir, any  
17 player who was on that Louisville roster who was  
18 more highly decorated or was more highly rated  
19 than Brian in June 2017?

20 A. I can't.

21 MR. FORBES: Objection.

22 MR. MCLEOD: Do you want to take a five



1 or ten-minute break, Mr. Johnson, or would you  
2 prefer to keep going?

3 THE WITNESS: I would prefer to keep  
4 going.

5 MR. MCLEOD: Okay.

6 MR. MORAN: Mullins, let me ask, how much  
7 longer do you think you have? Because it may make  
8 sense to take a bathroom break now if you're going  
9 to go a while longer.

10 MR. MCLEOD: Okay. Let's just take a  
11 break. I don't want this to be an endurance test  
12 for anybody. I'm sorry it's taking longer, but,  
13 you know, just -- I've got to do what I've got to  
14 do. So let's take a quick break.

15 MR. MORAN: And real fast, before we go  
16 off the record, can we put on that stip that we  
17 talked about on the last break that an objection  
18 to form for one is an objection to form for all?  
19 Does that work for you?

20 MR. MCLEOD: Yeah, I don't have a problem  
21 with that.

22 MS. BARBIER: Can I just ask for planning

1 purposes -- I consent, too.

2 Can I -- this is Debbie. Can I just ask,  
3 for planning purposes who is going to have  
4 questions after Mullins, if anybody?

5 MR. MORAN: This is Wes. As of now, I do  
6 not have any follow-up questions.

7 MS. BARBIER: Okay.

8 MS. GOODING: I don't have any.

9 MS. BARBIER: Just checking. Thank you.

10 MR. FORBES: Debbie, I'll probably have a  
11 couple -- just a couple of follow-up questions.

12 MS. BARBIER: Okay.

13 MR. FORBES: I can go after you.

14 MS. BARBIER: Thank you, all.

15 VIDEO TECHNICIAN: The time is 3:49 p.m.

16 This ends unit number 4. We're off the record.

17 (A recess was taken.)

18 VIDEO TECHNICIAN: The time is 4:00 p.m.

19 This begins unit number 5. We're on the record.

20 (Johnson Deposition Exhibit 13 marked for  
21 identification and attached to the  
22 transcript.)

1 BY MR. MCLEOD:

2 Q. Mr. Johnson, I'm going to refer you now  
3 to Exhibit 13. Tab 6.

4 Do you have that up, sir?

5 A. Yes.

6 Q. And could you scroll down, please, sir,  
7 to text message number 174?

8 Are you there, sir?

9 A. Yes.

10 Q. All right. And this is a text message  
11 that was sent by defendant Christian Dawkins,  
12 who's already been convicted for this underlying  
13 conduct, to you on May 30th, 2017.

14 Do you see that?

15 A. Yes.

16 Q. And could you read for us what the text  
17 messages that you received stated?

18 A. 174?

19 Q. Yes, sir.

20 A. "The goal is to have him back by  
21 Thursday. But going to let him take the night so  
22 he thinks he came to the decision by himself."

1 Q. Okay. Mr. Johnson, did you receive that  
2 text in your capacity as an assistant basketball  
3 coach for the Louisville men's basketball team on  
4 May 30th, 2017?

5 A. Yes.

6 Q. Now, later that day, at 6:44 p.m., and in  
7 particular text number 169, did you send Christian  
8 Dawkins a text indicating whether or not you  
9 anticipating getting a good night's sleep or being  
10 rather restless over the anticipation of the  
11 university securing the rights to Brian's  
12 basketball talents and labor?

13 A. 169, "I'm not going to sleep until you  
14 tell me he is coming."

15 Q. And was that a text message that you, in  
16 fact, sent to Mr. Dawkins on May 30, 2017?

17 A. Yes.

18 Q. And did you do so in your capacity as  
19 assistant coach of the Louisville men's basketball  
20 team?

21 A. Yes.

22 Q. Now, isn't it true, sir, that there was

1 some conversation about enrolling Brian before he  
2 made his decision so that he would be stuck and  
3 bound by that commitment to University of  
4 Louisville?

5 MR. FORBES: Objection.

6 THE WITNESS: Upon advice of counsel, I'm  
7 exercising my Fifth Amendment privilege.

8 (Johnson Deposition Exhibits 14 and 15  
9 marked for identification and attached to  
10 the transcript.)

11 BY MR. MCLEOD:

12 Q. Let me show you Exhibit Number 14.

13 A. Okay.

14 Q. And if you would, please, sir, in  
15 particular, text message number 151.

16 A. Uh-huh.

17 Q. And is this a text message that was sent  
18 by you to Christian Dawkins?

19 A. It says, "Tugs doesn't need to know, but  
20 we should get started so he can be admitted."

21 Q. All right. And is that a text message  
22 that you, in fact, sent on May 31st, 2017, to

1 defendant Christian Dawkins?

2 A. Yes.

3 Q. And does that text -- transcription of  
4 that text message fairly and accurately depict  
5 what you, in fact, sent Mr. Dawkins?

6 A. Yes.

7 Q. Based upon your general knowledge of the  
8 NCAA bylaws, once a player is enrolled at a member  
9 institution, they are prohibited from playing any  
10 intercollegiate sports if they transfer from that  
11 institution for at least one year.

12 MR. FORBES: Objection.

13 THE WITNESS: I'm not sure I understand.

14 BY MR. MCLEOD:

15 Q. So let me ask you this: Once an elite  
16 prospect like Brian enrolls at the university,  
17 does that secure his eligibility and basketball  
18 services by the very fact that he was enrolled?

19 MR. FORBES: Objection.

20 THE WITNESS: By enrolling, the student  
21 athlete would have to sign documentation enrolling  
22 and sign a financial aid agreement. So I think

1 it's a lot more than just being admitted to --

2 BY MR. MCLEOD:

3 Q. Well, if Brian -- if somebody submitted  
4 paperwork to the university enrolling him as a  
5 student, under NCAA laws, he wouldn't be able to  
6 play at any college other than Louisville for the  
7 upcoming season; isn't that correct, sir?

8 A. I don't think someone could submit  
9 paperwork enrolling him without his consent.

10 Q. So what were you referring to, sir, here  
11 when you indicated, "Tugs doesn't need to know,  
12 but we should get started so he can be admitted."

13 A. Upon advice of counsel, I'm exercising my  
14 Fifth Amendment privilege.

15 Q. Okay, sir. Now, with regard to the NCAA  
16 bylaws generally, you answered some questions  
17 earlier and certainly to the best of your ability;  
18 you don't hold yourself out to be an expert on the  
19 NCAA bylaws and compliance therewith, do you?

20 A. No.

21 Q. And Mr. Johnson, would you defer to the  
22 NCAA bylaws with regard to what they mean and

1 what, if any, impact they had on Brian's  
2 eligibility?

3 A. Yes.

4 Q. Now, with regard to Brian's eligibility,  
5 isn't it true, sir, that there is a certification  
6 process that all student athletes go through prior  
7 to being declared eligible to play for an NCAA  
8 membership institution?

9 A. Yes.

10 Q. And does that process include submitting  
11 paperwork to the NCAA clearinghouse and for  
12 examinations to be done and for the NCAA to  
13 ultimately make a decision whether or not the  
14 player is, in fact, eligible for participation in  
15 sports or ineligible for participation in sports?

16 A. Yes.

17 Q. And sir, is the NCAA the sole governing  
18 body with regard to deciding who gets to play and  
19 who does not get to play when it comes to  
20 eligibility?

21 MR. MORAN: Objection.

22



1 BY MR. MCLEOD:

2 Q. Sir?

3 A. To my understanding, yes.

4 Q. Okay. And isn't it true, sir, that the  
5 only reason Brian was unable to play at the  
6 University of Louisville was because of the Adidas  
7 bribery scheme?

8 MR. FORBES: Objection.

9 BY MR. MCLEOD:

10 Q. Isn't that true, sir?

11 A. I have no opinion on that.

12 Q. Did the NCAA declare Brian eligible for  
13 participation prior to the Adidas bribery scheme  
14 payment being made to his father?

15 MR. MORAN: Objection.

16 THE WITNESS: Upon advice of counsel, I'm  
17 exercising my Fifth Amendment privilege.

18 BY MR. MCLEOD:

19 Q. Okay. You don't have any information  
20 today to dispute the fact that the NCAA did, in  
21 fact, certify Brian's eligibility prior to the  
22 Adidas bribery scheme payment being made, do you?

1 MR. MORAN: Objection.

2 MR. FORBES: Objection.

3 THE WITNESS: Upon advice of counsel, I'm  
4 exercising my Fifth Amendment privilege.

5 BY MR. MCLEOD:

6 Q. Okay. And I don't want to go through the  
7 bylaws with you chapter and verse, because they'll  
8 be admitted into evidence at trial, and I think  
9 the court will be able to call balls and strikes  
10 on it, but I do want to ask you about one thing  
11 because they keep asking about this in these  
12 depositions.

13 They asked you about a meeting that you  
14 had in Las Vegas. Do you remember that?

15 MR. FORBES: Objection.

16 THE WITNESS: What exactly are you  
17 referring to?

18 BY MR. MCLEOD:

19 Q. Well, let me ask you this: Under the  
20 NCAA bylaws, there are permitted and permissible  
21 contact periods wherein colleges can communicate  
22 with recruits about their basketball services and

1       securing their commitments, correct?

2               MR. MORAN:   Objection.

3               MR. FORBES:   Objection.

4               THE WITNESS:   I'd need you to rephrase  
5       that for me.

6       BY MR. MCLEOD:

7               Q.    Sure.

8               In the recruiting of a prospective  
9       student athlete, are there time periods where it  
10      is permissible for coaches like yourself to make  
11      contact with recruits?

12              A.    Yes.

13              Q.    Under the NCAA bylaws, are there periods  
14      of time wherein coaches like you are prohibited  
15      from making contacts with prospective student  
16      athletes?

17              A.    Yes.

18              Q.    And isn't it true, sir, that it is up to  
19      the university to govern whether or not these  
20      permissible contact periods are adhered to?

21              MR. MORAN:   Objection.

22              THE WITNESS:   Yes.

1 BY MR. MCLEOD:

2 Q. There's nowhere in the NCAA bylaws that  
3 you're aware of, sir, that it requires a high  
4 school student to be knowledgeable about the  
5 permissible contact periods in relation to the  
6 impermissible contact periods, is there?

7 MR. FORBES: Objection.

8 THE WITNESS: Not that I have seen.

9 BY MR. MCLEOD:

10 Q. And Mr. Johnson, would it be a fairly  
11 ineffective enforcement scheme to rely on a  
12 teenager to become knowledgeable about the  
13 permissible contact periods and to enforce the  
14 permissible contact periods for member  
15 institutions that are recruiting him?

16 MR. MORAN: Objection.

17 MR. FORBES: Objection.

18 THE WITNESS: Are you asking my opinion?

19 BY MR. MCLEOD:

20 Q. Yes, sir.

21 MR. FORBES: He's asking you to  
22 speculate.

1 THE WITNESS: I don't really feel  
2 comfortable speculating.

3 BY MR. MCLEOD:

4 Q. All right. Well, under rule -- bylaw  
5 13.1.1.1, isn't it true, sir, that any contact  
6 that occurs between a coach like yourself and an  
7 elite prospect like Brian is considered an  
8 institutional violation only?

9 MR. MORAN: Objection.

10 THE WITNESS: I'm not an authority on the  
11 NCAA rule book.

12 BY MR. MCLEOD:

13 Q. All right. Were you not aware, sir, that  
14 if there is impermissible conduct that the NCAA  
15 bylaws specifically state on page 10 of the  
16 preamble that that impermissible conduct shall  
17 have no effect on the prospective student  
18 athlete's eligibility to participate in NCAA  
19 athletics?

20 MR. MORAN: Objection.

21 THE WITNESS: You say was I aware of  
22 that? No. But I could read the -- you know, if

1 the situation arose, I could refer back to the  
2 rule book to find that information.

3 BY MR. MCLEOD:

4 Q. So let me read for you how the NCAA  
5 defines de minimis violations, and I'll ask you  
6 whether or not this comports with your general  
7 knowledge of the NCAA bylaws. On page 10 of the  
8 preamble, "Violations of articles designated by  
9 capital letter D in brackets and bold  
10 front [sic] '[D]' at the end of the legislative  
11 language shall be considered institutional  
12 violations per constitution 2.8 [sic]. However,  
13 the involved prospective student athlete's or  
14 student athlete's eligibility shall not be  
15 affected."

16 Does that language from the NCAA bylaws  
17 comport with your general knowledge on what, if  
18 any, repercussions the student athlete receives in  
19 any impermissible contact?

20 MR. MORAN: Objection.

21 BY MR. MCLEOD:

22 Q. You can answer.

1 A. Yes.

2 Q. Okay. Now, with regard to this AAU stuff  
3 that people keep asking about, isn't it true, sir,  
4 that nothing that happened during Brian's teenage  
5 years had any impact on his NCAA eligibility to  
6 play for the University of Louisville, did it?

7 MR. FORBES: Objection.

8 MR. MORAN: Objection.

9 THE WITNESS: I don't know.

10 BY MR. MCLEOD:

11 Q. Sir?

12 A. I don't know.

13 Q. You don't have any personal knowledge of  
14 anything that happened during Brian's teenage  
15 years having any impact on his eligibility to play  
16 at Louisville, do you?

17 MR. MORAN: Same objection.

18 THE WITNESS: I don't know what happened  
19 during his teenage years. I don't have any  
20 personal information.

21 BY MR. MCLEOD:

22 Q. Yes, sir. You have no personal knowledge

1 of the NCAA ever making any decisions that  
2 impacted Brian's eligibility other than the Adidas  
3 bribery scheme; isn't that correct?

4 MR. MORAN: Objection.

5 MR. FORBES: Objection.

6 THE WITNESS: Upon advice of counsel, I'm  
7 exercising my Fifth Amendment privilege.

8 BY MR. MCLEOD:

9 Q. Did you know a gentleman named T.J.  
10 Gassnola?

11 A. Upon advice of counsel, I'm exercising my  
12 Fifth Amendment privilege.

13 Q. In dealing with Mr. Gassnola, who worked  
14 for Adidas and, in particular, under the direction  
15 of Jim Gatto, did you anticipate that the  
16 gentleman would be reputable because he worked for  
17 Adidas' interest?

18 MR. MORAN: Objection.

19 THE WITNESS: Upon advice of counsel, I'm  
20 exercising my Fifth Amendment privilege.

21 BY MR. MCLEOD:

22 Q. Were you aware of the extensive criminal



1 record that was reported in the public realm on  
2 July 23rd, 2006, regarding Mr. Gassnola's rather  
3 prolific criminal history and driver history?  
4 Were you aware of that?

5 MR. MORAN: Objection.

6 MR. FORBES: Objection.

7 THE WITNESS: Upon advice of counsel, I'm  
8 exercising my Fifth Amendment privilege.

9 BY MR. MCLEOD:

10 Q. Do you remember -- two seconds.

11 Do you remember a player named Corey  
12 Maggette that played for Duke?

13 A. Corey Maggette?

14 Q. Maggette. Yes, sir. I'm sorry.

15 A. Yes.

16 Q. Do you remember a player named Kareem  
17 Rush?

18 A. Yes.

19 Q. Where did Kareem Rush ultimately play  
20 college basketball?

21 A. I don't know.

22 Q. Do you remember a player names Korleone

1 Young?

2 A. I'm familiar with that name as well.

3 Q. Okay. Were all three of those players  
4 considered elite prospects coming out of high  
5 school?

6 A. I believe so.

7 Q. Okay. And do you recall that a gentleman  
8 by the name of Myron Piggie of Kansas City,  
9 Missouri?

10 A. I'm familiar with that name.

11 Q. And Mr. Piggie was sentenced to 37 months  
12 in prison as it related to \$35,000 worth of  
13 payments to five teenagers, including Mr. Rush,  
14 Mr. Young, and Corey Maggette; isn't that correct?

15 A. I don't know.

16 Q. Isn't it true, sir, that that particular  
17 circumstance involved substantial sums of money  
18 that were paid directly to the players during the  
19 summer basketball circuit?

20 MR. FORBES: Objection.

21 THE WITNESS: I don't know that story.

22

1 BY MR. MCLEOD:

2 Q. Did you know, sir, that the NCAA found  
3 out about those significant moneys received by  
4 those elite prospects prior to those prospects  
5 being certified as being eligible to participate  
6 in NCAA athletics?

7 MR. MORAN: Objection.

8 MR. FORBES: Objection.

9 THE WITNESS: I didn't.

10 BY MR. MCLEOD:

11 Q. Do you remember, sir, that despite those  
12 payments, the penalties assessed by the NCAA  
13 against those specific individuals ranged from  
14 five to nine-game suspensions and five to  
15 nine-game suspensions only?

16 MR. MORAN: Objection.

17 THE WITNESS: I didn't know that.

18 MR. FORBES: Objection.

19 BY MR. MCLEOD:

20 Q. All right. Now, with regard to the  
21 eligibility certification process, do you think  
22 that people who are accused of wrongdoing should

1 have the ability to be put on notice and argue in  
2 their defense?

3 A. One more time, please.

4 MR. MORAN: Objection.

5 BY MR. MCLEOD:

6 Q. Do you think that people who are charged  
7 with wrongdoing should have the right to be  
8 informed of such and argue in their own defense?

9 MR. MORAN: Same objection.

10 THE WITNESS: In reference --

11 BY MR. MCLEOD:

12 Q. Just generally speaking.

13 A. Okay. Last time. One more time with the  
14 question.

15 Q. Well, let me ask you this: Do you  
16 recognize that Brian Bowen has been significantly  
17 harmed by the Adidas bribery scheme?

18 MR. MORAN: Objection.

19 THE WITNESS: I don't have an opinion on  
20 that.

21 BY MR. MCLEOD:

22 Q. Would you agree with me, sir, that

1 Brian's preparation for the NBA draft experienced  
2 a significant disruption as a result of the Adidas  
3 bribery scheme?

4 MR. MORAN: Objection.

5 THE WITNESS: I don't want to speculate.

6 BY MR. MCLEOD:

7 Q. Are you aware, sir -- well, let me ask  
8 you, for elite players preparing to play in the  
9 NBA, is it a good thing or a bad thing to be  
10 exiled from basketball for 18 months?

11 MR. MORAN: Objection.

12 THE WITNESS: I would think that that  
13 would be bad.

14 BY MR. MCLEOD:

15 Q. And would it be -- well, based upon your  
16 knowledge as a basketball coach, and more  
17 particularly at University of Louisville, would  
18 being out of the game of basketball for 18 months  
19 have a direct and immediate impact upon your entry  
20 into the NBA?

21 MR. MORAN: Objection.

22

1 BY MR. MCLEOD:

2 Q. Sometimes I have to ask you the obvious,  
3 sir. I'm sorry.

4 A. Yeah -- if you're not allowed to  
5 participate, would that hurt you? I would say --  
6 I would assume that it would.

7 Q. Yes, sir.

8 And if you're not allowed to have  
9 competitive minutes in competitive games, that,  
10 too, will have a direct adverse effect on your  
11 entry into the NBA; isn't that correct, sir?

12 MR. MCLEOD: Objection.

13 THE WITNESS: I would assume potentially,  
14 yes.

15 BY MR. MCLEOD:

16 Q. And that is based upon your having  
17 coached in basketball at the highest levels; is  
18 that correct?

19 A. Yeah. That's where my opinion comes  
20 from.

21 Q. And that -- your assessment is based upon  
22 having coached players who were drafted in the

1 first round of the NBA draft; is that correct?

2 A. Yes. That's been my experience.

3 Q. And Mr. Johnson, you have gained over the  
4 years a significant amount of knowledge and  
5 experience with regard to what it takes, from a  
6 training and basketball development standpoint, to  
7 prepare for the NBA; is that correct?

8 MR. MORAN: Objection.

9 THE WITNESS: (No verbal response.)

10 BY MR. MCLEOD:

11 Q. Now, let me --

12 THE REPORTER: I'm sorry. This is  
13 Christina. I didn't actually hear an answer.

14 THE WITNESS: I didn't give one.

15 BY MR. MCLEOD:

16 Q. Is your assessment of the impact of not  
17 being able to train and play competitive minutes  
18 and its adverse effect upon your entry into the  
19 draft, is that assessment based upon you and your  
20 work as a basketball coach over the years?

21 A. Yes. That's my opinion.

22 MR. FORBES: Objection.

1 BY MR. MCLEOD:

2 Q. Let's look at tab number -- Exhibit  
3 Number 13, please, sir. Now, let's go to text  
4 message number 180.

5 Do you see that?

6 A. I do.

7 Q. All right. And that's a text message  
8 that counsel for Adidas asked you about relating  
9 to an Audi.

10 Do you remember those questions?

11 A. I do.

12 Q. Isn't it true, sir, that Brian Bowen  
13 never owned an Audi at any time he was at the  
14 University of Louisville?

15 MR. FORBES: Objection.

16 THE WITNESS: Upon advice of counsel, I'm  
17 exercising my Fifth Amendment privilege.

18 BY MR. MCLEOD:

19 Q. Isn't it true, sir, that one way we know  
20 that that does not reference an automobile is by  
21 the fact that Brian did not have a car while he  
22 was at Louisville and participated with the



1 University of Louisville basketball team?

2 A. Upon advice of counsel, I'm exercising my  
3 Fifth Amendment privilege.

4 Q. Okay. You don't have any personal  
5 knowledge, sir, of Brian ever owning an  
6 automobile, do you?

7 A. I don't know of his automobile ownership.

8 Q. Okay. Now, in your coaching career, have  
9 you become familiar with what is generally  
10 referred to in the insurance industry as a loss  
11 value insurance policy?

12 A. Yes.

13 Q. And loss value insurance policies are  
14 actually promoted by the NCAA as an inducement for  
15 elite players like Brian to spend their year  
16 following high school preparing for the NBA in the  
17 college ranks; isn't that correct?

18 A. Yes.

19 Q. And based upon your having been involved  
20 with personally and as a coach, is the fear of  
21 injury during their preparation for the NBA a  
22 reasonable concern for any elite player?

1 A. Yes.

2 Q. And is that why some players or some  
3 universities take out loss value insurance  
4 policies on a particular elite prospect?

5 A. Yes.

6 Q. So for example, are you generally aware  
7 that it's been reported that Zion Williamson,  
8 while at Duke University, had in place a loss of  
9 value policy in the event that his - in the event  
10 that he suffered an injury and his first-round  
11 pick fell below number 16 in the draft?

12 A. Yes.

13 Q. And isn't it true, sir, that the  
14 University of Louisville purchased the exact same  
15 type of insurance for Brian Bowen?

16 A. Upon advice of counsel, I'm exercising my  
17 Fifth Amendment privilege.

18 Q. Okay. Sir, in text message number 179 at  
19 5/30 at 2:47 p.m. --

20 A. Yes.

21 Q. -- could you read for the record, sir,  
22 what Christian Dawkins texts to you?

1 A. It says, "I have the quote and paperwork.  
2 Just need AD to approve that it's paid for."

3 Q. And does that indicate there that you  
4 read that text message?

5 A. Yes.

6 Q. All right. Based upon your work at  
7 University of Louisville, do you have any personal  
8 knowledge of the head athletic director ever  
9 getting involved in car insurance for any student  
10 athlete?

11 A. No.

12 Q. In your work with the University of  
13 Louisville, do you have any personal knowledge of  
14 Lloyd's of London, which is located on another  
15 continent, issuing a liability policy in the State  
16 of Kentucky with regard to an automobile owned by  
17 anyone?

18 A. No.

19 Q. In your work with elite prospects at  
20 Louisville, have you come to understand that  
21 Lloyd's of London is an insurance company that  
22 does underwrite and issue policies commonly

1 referred to as loss of value insurance?

2 A. Yes.

3 Q. Is it your understanding, sir, based upon  
4 readily available published reports, that Lloyd's  
5 of London was the carrier that issued Zion  
6 Williamson's policy while he was a freshman at  
7 Duke?

8 A. Yes.

9 Q. Have you -- I'm assuming you own your own  
10 car?

11 A. Yes.

12 Q. And you have to have insurance on the  
13 car, correct?

14 A. Yes.

15 Q. And throughout your personal and  
16 professional endeavors, you've had to purchase  
17 insurance for a broad range of things; is that  
18 correct?

19 A. Yes.

20 Q. Based upon your personal knowledge of  
21 having purchased insurance products throughout  
22 your career, have you come to learn that the

1 insurance industry is fairly sophisticated?

2 A. Yes.

3 Q. Has it been your personal experience in  
4 purchasing insurance products throughout your  
5 personal and professional life that the insurance  
6 industry is heavily regulated?

7 A. Yes.

8 Q. Is it your understanding with loss of  
9 use -- loss of value policies that they  
10 specifically ensure earnings for the prospective  
11 student athlete?

12 A. One more time.

13 Q. Is it your understanding of loss of value  
14 insurance policies that they ensure the prospect's  
15 NBA earnings?

16 A. Yeah, to a certain percentage, I believe  
17 so.

18 Q. Right. And is it your understanding of  
19 these policies, and the ones that the NCAA  
20 promotes, that they are insurable interests?  
21 "They" being the NBA earnings.

22 A. Yes.

1 Q. And those NBA earnings are insured and  
2 protected while the elite prospect like Brian is  
3 playing college basketball, correct?

4 A. Yes.

5 Q. And based upon your having purchased  
6 insurance products both personally and  
7 professionally, has it been made aware to you that  
8 insurance companies do not issue insurance  
9 policies that insure against the criminal acts of  
10 third parties?

11 MR. FORBES: Objection.

12 THE WITNESS: I'm not familiar with that.

13 BY MR. MCLEOD:

14 Q. Well, let me ask you, based upon your  
15 having purchased different insurance products in  
16 your personal and professional career, are you  
17 aware of any insurance product offered by any  
18 carrier anywhere on this continent or any of the  
19 other six continents that would protect Brian from  
20 the criminal acts of third parties?

21 MR. FORBES: Objection.

22 THE WITNESS: I'm not aware of that.

1 BY MR. MCLEOD:

2 Q. Now, going to text message 177. Do you  
3 see that, sir?

4 A. I do.

5 Q. And is that a text message that you sent  
6 to Christian Dawkins on May 30th, 2017?

7 A. Yes.

8 Q. And did you send that text message, sir,  
9 in response to Defendant Dawkins' text message at  
10 approximately 44 -- 43 minutes earlier where he  
11 told you that he had a quote and the paperwork,  
12 just needed the AD to approve that it's paid for?

13 Is that text 177 your response to the  
14 text that is shown at 179?

15 A. It says --

16 MR. FORBES: Objection.

17 THE WITNESS: -- "100 percent done. Tom  
18 Jurich."

19 BY MR. MCLEOD:

20 Q. And that text at 177, that is an accurate  
21 transcription of the text that you sent to  
22 Mr. Dawkins on May 30th, 2017, correct?

1 A. Yes.

2 Q. And tom Jurich was the athletic director  
3 at Louisville at that time; is that correct?

4 A. Yes.

5 Q. Now, what personal knowledge do you have  
6 about Adidas providing Mr. Jurich's daughter a job  
7 with the company shortly before or shortly after  
8 the \$160 million extension was entered into  
9 between Adidas and the university?

10 A. I don't have any knowledge --

11 MR. FORBES: Objection.

12 THE WITNESS: I don't have any knowledge  
13 of that.

14 BY MR. MCLEOD:

15 Q. Okay. And Mr. Forbes asked you earlier  
16 about a text that said, Make sure you tell coach  
17 about Carrie's Tourette's.

18 Do you remember that?

19 A. I do.

20 Q. Were you all worried that somebody was  
21 going to pick on her?

22 A. Upon advice of counsel, I'm exercising my



1 Fifth Amendment privilege.

2 Q. Well, why do you think Mr. Forbes -- why  
3 do you think Adidas' counsel asked you about that?

4 MR. FORBES: Objection.

5 THE WITNESS: I don't know.

6 BY MR. MCLEOD:

7 Q. Do you think if somebody has any type of  
8 disability or any type of medical condition, that  
9 other people should respect that?

10 A. Do I think that a medical condition  
11 should be respected?

12 Q. Yes, sir.

13 A. Yes.

14 Q. And that is a matter of human decency and  
15 dignity, is it not?

16 A. Yes.

17 Q. Now, what was the date that you were  
18 basically suspended and/or terminated as a  
19 basketball coach at Louisville?

20 A. I don't recall the exact day that I was  
21 suspended with pay, but I do recall the day that I  
22 was effectively terminated being on or around

1 November the 23rd.

2 Q. Of what year, please, sir?

3 A. 2017.

4 Q. All right. And when was it that you were  
5 hired at La Salle University? Just roughly.

6 A. Roughly, May of 2018.

7 Q. Now, from the time that you were let go  
8 at Louisville until May of 2013, did you work  
9 extremely hard to find other gainful employment in  
10 the coaching profession?

11 A. Yes. 2018? Yes.

12 Q. And during that six-month window --  
13 actually, do you have children, sir?

14 A. I do.

15 Q. Was that a stressful period of time for  
16 you and your family?

17 A. Yes.

18 Q. How long were you able to stay at  
19 La Salle before you were terminated from that job?

20 A. Two years.

21 Q. Okay. And what was the date of your  
22 separation from La Salle?

1 A. It was approximately May the -- it was  
2 May of 2020.

3 Q. 2020?

4 A. Early May of 2020.

5 Q. All right. And from the time you were  
6 let go at Louisville until the time you were hired  
7 at La Salle, was it difficult to find a job in the  
8 coaching profession because of all the media  
9 coverage related to the Adidas bribery scheme?

10 A. Yes.

11 MR. FORBES: Objection.

12 BY MR. MCLEOD:

13 Q. Was it difficult for you to explain away  
14 all that was reported in the news relating to the  
15 Adidas bribery scheme?

16 MR. FORBES: Objection.

17 BY MR. MCLEOD:

18 Q. Was that difficult for you?

19 A. Yes.

20 MR. FORBES: Objection.

21 BY MR. MCLEOD:

22 Q. If there were two coaching candidates of

1 equal credentials, was it your experience that the  
2 college would choose the coach that was not  
3 implicated or mentioned in the Adidas bribery  
4 scheme?

5 A. They never gave me a full explanation as  
6 to why they would choose other candidates.

7 Q. Do you know whether you will ever be able  
8 to get back into the coaching profession?

9 A. I do not.

10 Q. Is that an uneasy prospect for you to  
11 digest based upon the many years and the level of  
12 expertise that you developed in your career?

13 A. I don't like it.

14 Q. Have the last two years been difficult on  
15 you financially?

16 A. The last three-and-a-half years. Yes.

17 Q. And is it your experience, based upon  
18 your own personal situation, that people should  
19 have the right to make their own financial  
20 decisions and chart their own path in life without  
21 being injured by third parties?

22 MR. MORAN: Objection.

1 MR. FORBES: Objection.

2 THE WITNESS: I didn't really understand  
3 that question.

4 BY MR. MCLEOD:

5 Q. Well, when you look back on where you  
6 were May 26th, 2017, you were at a very good place  
7 in your professional and personal life, were you  
8 not?

9 A. Yes.

10 Q. Your trajectory in the coaching  
11 profession was onward and upward, was it not?

12 A. Yes.

13 Q. Is your trajectory in the coaching  
14 profession very different today?

15 A. In regards to being a college basketball  
16 coach or coaching at college, yes, it's very  
17 different.

18 Q. And is your trajectory different today as  
19 a result of the Adidas bribery scheme?

20 MR. MORAN: Objection.

21 THE WITNESS: Upon advice of counsel, I'm  
22 exercising my Fifth Amendment privilege.

1 BY MR. MCLEOD:

2 Q. Okay. In your dealings with Adidas while  
3 you were assistant coach at Louisville, did you  
4 find Adidas to be easy to work with or difficult  
5 to work with?

6 A. Upon advice of counsel, I'm exercising my  
7 Fifth Amendment privilege.

8 Q. Based upon your work at Louisville, did  
9 Adidas come on campus and assert themselves with  
10 pretty much in regard to everything that involved  
11 the men's basketball team?

12 MR. FORBES: Objection.

13 THE WITNESS: Upon advice of counsel, I'm  
14 exercising my Fifth Amendment privilege.

15 BY MR. MCLEOD:

16 Q. Based upon your having -- working next to  
17 Rick Pitino during those years, isn't it true that  
18 Coach Pitino became very vocal and concerned about  
19 the outside influence that sneaker companies had  
20 with regard to college basketball?

21 MR. MORAN: Objection.

22 MR. FORBES: Objection.

1 THE WITNESS: One more time that  
2 question.

3 BY MR. MCLEOD:

4 Q. Yes, sir.

5 During your work alongside Coach Pitino,  
6 did you come to understand that Coach Pitino was  
7 concerned about the outside influence sneaker  
8 companies like Adidas had on college basketball?

9 A. I think he spoke about that --

10 MR. FORBES: Objection.

11 THE WITNESS: -- at a press conference  
12 once.

13 BY MR. MCLEOD:

14 Q. And did you share that concern at that  
15 time?

16 A. I personally did not share that concern.

17 Q. Okay. Now, in any employment contract,  
18 do you, based upon your personal and professional  
19 experience, believe that there should be a level  
20 of good faith and fair dealing between the  
21 employee and the employer?

22 MR. MORAN: Objection.

1 THE WITNESS: Yes.

2 BY MR. MCLEOD:

3 Q. Did you know that Adidas, in an effort to  
4 avoid criminal prosecution of the company, told  
5 the United States Department of Justice that, if  
6 you prosecute Jim Gatto, that will be enough  
7 deterrence and no prosecution against the company  
8 will be necessary?

9 Were you aware of that?

10 A. I wasn't.

11 MR. FORBES: Objection.

12 BY MR. MCLEOD:

13 Q. Were you aware, sir, that after Adidas  
14 made those representations through their attorneys  
15 to the United States Department of Justice, they  
16 then worked alongside the Department of Justice in  
17 preparing exhibits and documents that were  
18 admitted into evidence against Mr. Gatto? Were  
19 you aware of that?

20 A. I didn't know that.

21 MR. FORBES: Objection.

22



1 BY MR. MCLEOD:

2 Q. Were you aware that, after Adidas made  
3 those representations to the Department of  
4 Justice, that they worked alongside the Department  
5 of Justice, which resulted in Gatto's conviction  
6 and, ultimately, federal prison?

7 MR. FORBES: Objection.

8 THE WITNESS: I didn't know that.

9 BY MR. MCLEOD:

10 Q. Now, were you aware that Adidas has  
11 agreed to pay -- has been paying Mr. Gatto's legal  
12 bills from the very beginning? Were you aware of  
13 that?

14 A. No, I wasn't.

15 Q. Did you know that Mr. Gatto's -- that  
16 Adidas has spent more than \$10 million on  
17 attorneys fees for Mr. Gatto just in the criminal  
18 case alone?

19 Were you aware of that?

20 A. I wasn't.

21 Q. Do you know, sir, whether or not Adidas  
22 required of Mr. Gatto that he exercise his Fifth

1 Amendment privilege and not defend himself in  
2 exchange for the \$10 million worth of attorneys  
3 fees?

4 MR. FORBES: Objection.

5 THE WITNESS: I didn't.

6 BY MR. MCLEOD:

7 Q. Did you know, sir, that during the  
8 criminal trial, Adidas specifically spent [sic] a  
9 gentleman named Paul Loving to New York to  
10 chauffeur Mr. Gatto's family around New York while  
11 Mr. Gatto was in the courtroom being prosecuted by  
12 the Department of Justice?

13 Were you aware of that?

14 A. No.

15 MR. FORBES: Objection.

16 BY MR. MCLEOD:

17 Q. Were you aware that while Adidas was  
18 assisting the Department of Justice in preparing  
19 exhibits for the prosecution of its 25-year  
20 employee, Mr. Loving at the same time was taking  
21 Mr. Gatto's wife out to dinner and assuring her  
22 that everything would be okay?

1 A. No.

2 MR. FORBES: Objection. Mullins, I mean,  
3 the witness doesn't have personal knowledge of any  
4 of this.

5 MR. MCLEOD: I'm getting ready to ask him  
6 a question.

7 BY MR. MCLEOD:

8 Q. Do you think that it would be fair for a  
9 for-profit company to undertake those actions  
10 against a 25-year executive like Mr. Gatto?

11 MR. FORBES: Objection.

12 THE WITNESS: I don't know how to form an  
13 opinion on that.

14 BY MR. MCLEOD:

15 Q. Does that offend your sense of right and  
16 wrong?

17 MR. FORBES: Objection.

18 THE WITNESS: I don't feel like I have  
19 enough information to make an accurate decision on  
20 that.

21 BY MR. MCLEOD:

22 Q. Have you talked to Mr. Gatto about any

1 arrangements that he has with Adidas with regard  
2 to the defense in either the criminal case or this  
3 action?

4 A. Upon advice of counsel, I'm exercising my  
5 Fifth Amendment privilege.

6 Q. Based upon your involvement with  
7 Mr. Gatto while you were a coach at University  
8 Louisville, did you ever believe that Mr. Gatto  
9 was a peon or low down the totem pole with regard  
10 to his job at Adidas?

11 MR. FORBES: Objection.

12 THE WITNESS: Upon advice of counsel, I'm  
13 exercising my Fifth Amendment privilege.

14 BY MR. MCLEOD:

15 Q. Rather, Mr. Johnson, did you become aware  
16 that Mr. Gatto was the person that Adidas trusted  
17 to negotiate multi-million dollar endorsement  
18 deals on behalf of the for-profit entity? Were  
19 you aware of that?

20 MR. FORBES: Objection.

21 THE WITNESS: I wasn't.

22

1 BY MR. MCLEOD:

2 Q. Were you aware that Mr. Gatto was the  
3 lead negotiator on behalf of the for-profit  
4 company in endorsement deals that exceeded a  
5 hundred million dollars?

6 A. I wasn't.

7 MR. FORBES: Objection.

8 BY MR. MCLEOD:

9 Q. Would you let somebody act on your  
10 behalf --

11 MS. BARBIER: Objection.

12 BY MR. MCLEOD:

13 Q. -- in negotiating a multi-million dollar  
14 contract that you did not trust to look out for  
15 your best interest?

16 A. No.

17 MR. FORBES: Objection.

18 MR. MCLEOD: Let's take a quick break. I  
19 want to go through these notes, and hopefully  
20 we're real close. Mr. Johnson, I appreciate your  
21 patience.

22 VIDEO TECHNICIAN: The time is 4:45 p.m.

1 We're off the record.

2 (A recess was taken.)

3 VIDEO TECHNICIAN: The time is 4:54 p.m.

4 This begins unit number 6. We're on the record.

5 BY MR. MCLEOD:

6 Q. Mr. Johnson, I've just got a few more  
7 questions. And -- first off, for a lot of student  
8 athletes that get scholarships to NCAA schools,  
9 the general rule is that the scholarships are  
10 given on an annual basis; is that correct?

11 A. Yes.

12 Q. And for those one-year scholarships, the  
13 way that the bylaws work is that the coach at the  
14 end of that year makes a decision whether or not  
15 to renew that scholarship or whether or not not to  
16 renew the scholarship; is that correct?

17 A. Yes.

18 MR. MORAN: Objection.

19 BY MR. MCLEOD:

20 Q. I'm sorry, sir?

21 A. Yes.

22 Q. Okay. Now, for elite prospects like

1 Brian, was it your experience that these top-tier  
2 schools would offer them one-year scholarships  
3 like, for example, a member of the golf team, or  
4 was it your experience that these elite prospects  
5 were offered a different deal?

6 MR. MORAN: Objection.

7 MR. FORBES: Objection.

8 THE WITNESS: I think everyone is offered  
9 the same one-year scholarship.

10 BY MR. MCLEOD:

11 Q. Okay. And do you have any personal  
12 knowledge of Rick Pitino or the athletic director  
13 ever signing a contract where there was a one-year  
14 scholarship offer for any player on the Louisville  
15 men's basketball team?

16 Do you have any personal knowledge of  
17 that ever occurring?

18 A. I don't have any personal knowledge.

19 Q. Okay. Has it been your understanding,  
20 sir, working as a men's basketball coach, in NCAA,  
21 that, typically, under the one-year scholarship  
22 offer, the document is signed at the financial aid

1 department?

2 MR. FORBES: Objection. It's ambiguous,  
3 Mullins. Can you --

4 MR. MCLEOD: Yeah, I'll try to --

5 MR. FORBES: What financial aid  
6 department?

7 MR. MCLEOD: -- ask a better question.

8 BY MR. MCLEOD:

9 Q. Has it been your general understanding  
10 that for most scholarships for student athletes,  
11 the student and his parent signs a document with  
12 the financial aid office and that that document is  
13 generally referred to as an aid agreement, a  
14 grant-in-aid agreement?

15 A. Yes.

16 Q. All right. Now, do you have any  
17 knowledge of Rick Pitino, the hall of fame coach,  
18 or Tom Jurich, ever having signed on any  
19 grant-in-aid agreements for any players at the  
20 University of Louisville?

21 A. I don't know what they signed.

22 Q. Okay. Were you aware that the contract



1 that Brian entered into with Louisville was for a  
2 guaranteed four years? Were you aware of that?

3 A. Upon advice of counsel, I'm exercising my  
4 Fifth Amendment privilege.

5 Q. Were you aware, sir, on the contract  
6 whereby the University of Louisville secured  
7 Brian's basketball services and talent, hall of  
8 fame coach Rick Pitino's signature is on that  
9 document?

10 MR. MORAN: Objection.

11 MR. FORBES: Objection. Misstates the  
12 document.

13 BY MR. MCLEOD:

14 Q. You can answer.

15 A. Upon advice of counsel, I'm exercising my  
16 Fifth Amendment privilege.

17 Q. Okay. Sir, were you aware that the  
18 contract that Brian entered into with Louisville  
19 whereby Louisville secured the rights to Brian's  
20 basketball labor and talent was also signed by the  
21 athletic director at the university?

22 MR. MORAN: Objection.

1 MR. FORBES: Objection.

2 THE WITNESS: Upon advice of counsel, I'm  
3 exercising my Fifth Amendment privilege.

4 BY MR. MCLEOD:

5 Q. Okay. Do you understand as a parent that  
6 there can be legal issues with enforcement when a  
7 parent purports to sign on behalf of a child who  
8 is of majority age?

9 MR. FORBES: Objection.

10 THE WITNESS: Am I aware of that? No. I  
11 mean, I would be speculating. I haven't had that  
12 experience with that.

13 BY MR. MCLEOD:

14 Q. All right. I'll come back to that. Let  
15 me show you right now, though, Exhibit Number 14.

16 A. All right.

17 Q. Now, Exhibit 14 in particular, the text  
18 message at 162.

19 Do you see that?

20 A. Yes.

21 Q. And is that text message that you  
22 received on May 30 of 2017 in your capacity as

1 assistant basketball coach at Louisville?

2 A. Yes.

3 Q. And based upon that text message, does it  
4 indicate that defendant Dawkins is coordinating  
5 with Adidas with regard to Brian's visit at the  
6 University of Louisville?

7 MR. FORBES: Objection.

8 THE WITNESS: It says, "They liked it. I  
9 just need to talk to Adidas when I'm away from  
10 them and then get back to them and we should be  
11 good."

12 BY MR. MCLEOD:

13 Q. All right. Is that an accurate  
14 transcription of the text message that you  
15 received on May 30th, 2017?

16 A. Yes.

17 Q. Now, at text message 161, does defendant  
18 Dawkins also indicate to you that he is reporting  
19 back to a Mr. Rivers?

20 MR. MORAN: Objection. Misstates the  
21 text message.

22 THE WITNESS: The text message says, "I

1 just sent the text to Rivers that we had a good  
2 visit. We should -- we going to be good, I'm  
3 sure. Let's go."

4 BY MR. MCLEOD:

5 Q. Based upon your understanding of having  
6 been involved in Brian's recruitment, is the  
7 Mr. Rivers that is referenced in that text  
8 message, in fact, Mr. Rivers who was employed by  
9 Adidas?

10 A. Upon advice of counsel, I'm exercising my  
11 Fifth Amendment privilege.

12 Q. Now, during the -- in the aftermath of  
13 the Strippergate, did that pose additional  
14 recruiting challenges for the Louisville men's  
15 basketball team?

16 A. Yes.

17 Q. And in the aftermath of Strippergate, did  
18 that jeopardize the school's revenues, considering  
19 72 percent of the athletic department's revenues  
20 come from the basketball team?

21 A. I don't want to make an assumption. I  
22 don't know.

1 Q. Would it be fair to say, sir, that during  
2 the time of Brian's recruitment, the hope and the  
3 expectation on behalf of Louisville is that you  
4 all had finally gotten clear of the Strippergate  
5 scandal?

6 MR. FORBES: Objection.

7 THE WITNESS: Can you rephrase that? I  
8 don't really know what you're asking.

9 BY MR. MCLEOD:

10 Q. Well, tell me, sir, what, if any,  
11 challenges you faced, in the aftermath of  
12 Strippergate, in recruiting elite prospects to  
13 play at the University of Louisville.

14 A. I personally didn't feel like we had too  
15 many challenges other than just explaining what  
16 went on during those years. I think that the  
17 program was doing fine as far as being able to  
18 recruit players.

19 Q. For elite prospects like Brian, if a  
20 school was under the cloud of investigation, that  
21 weighs fairly heavy in their decisionmaking  
22 process, does it not?

1 MR. MORAN: Objection.

2 MR. FORBES: Objection.

3 THE WITNESS: It depends on the student  
4 athlete.

5 BY MR. MCLEOD:

6 Q. Well, for example, if Brian committed to  
7 University of Louisville and then, after his  
8 commitment, Louisville was banned from all  
9 post-season play, that would likely affect Brian's  
10 basketball development.

11 Would you agree with that?

12 MR. FORBES: Objection. It calls for the  
13 witness to speculate, Mullins.

14 MR. MCLEOD: Well, I can actually prove  
15 he has personal knowledge of it, Mr. Forbes, if  
16 you would just give me five minutes.

17 THE WITNESS: It would eliminate their  
18 opportunity to perform in the NCAA tournament.

19 BY MR. MCLEOD:

20 Q. And that would upset elite basketball  
21 players who are preparing for the NBA by playing  
22 at Louisville, correct?

1 A. Upset as in disappoint them?

2 Q. Yes.

3 A. Yes, I would assume that they would be  
4 disappointed.

5 Q. For example, in the wake of the  
6 Strippergate scandal, didn't Coach Pitino announce  
7 that the university was going to institute a  
8 self-ban on post-season play during the middle of  
9 the season?

10 A. Yes.

11 Q. And didn't you all have two transfers  
12 that were fairly upset about the fact that they  
13 would not be able to play in the NCAA tournament?

14 A. Yes.

15 Q. And what were those players' names, sir?

16 A. Damion Lee and Trey Lewis.

17 Q. Okay. And were they upset, sir, based  
18 upon your having worked -- been the basketball  
19 coach because they were fearful of what negative  
20 impact they may suffer by not being able to  
21 participate in what is generally referred to as  
22 March Madness?

1 MR. MORAN: Objection.

2 THE WITNESS: I mean, that could be a  
3 part of it. I know they were also -- they were  
4 upset just in general about being competitors and  
5 wanting to play in the NCAA tournament.

6 BY MR. MCLEOD:

7 Q. Right. And when they were -- where did  
8 they transfer from in to Louisville?

9 A. Cleveland State, Trey Lewis. Drexel,  
10 Damion Lee.

11 Q. Okay. Cleveland State and Drexel?

12 A. Yes.

13 Q. Do you know whether Drexel has any  
14 corporate affiliation with Adidas?

15 A. I don't know.

16 Q. Do you know whether Cleveland State has  
17 any corporate affiliation with Adidas?

18 A. I don't know.

19 Q. Had they established themselves at their  
20 respective schools as elite basketball players  
21 prior to transferring to Louisville?

22 A. I believe -- I guess it just depends on



1 who's judging it. I mean, they were both highly  
2 sought-after grad transfers. Damion had at one  
3 point in his career led the country in scoring.

4 Q. And did they come to Louisville because  
5 of the basketball services that Louisville offered  
6 in preparing them for the NBA?

7 A. Yes, as well as the opportunity to play  
8 in the tournament and at a higher level.

9 Q. Based upon your personal recollection of  
10 that time, was Adidas involved in the discussions  
11 prior to Coach Pitino announcing the post-season  
12 ban?

13 A. I don't know.

14 MR. FORBES: Objection.

15 BY MR. MCLEOD:

16 Q. Do you have any personal knowledge  
17 whether or not Adidas was involved after  
18 Coach Pitino announced the post-season ban with  
19 regard to either one of those two players?

20 A. No.

21 MR. FORBES: Objection.

22

1 BY MR. MCLEOD:

2 Q. Do you know whether the university or  
3 anybody at Louisville or Adidas consulted with  
4 either one of those players before announcing the  
5 post-season ban?

6 A. No.

7 Q. Do you think, sir, it would have been  
8 fair to the student athlete who transferred to  
9 Louisville for its basketball services for you all  
10 to have at least consulted with them about what  
11 their thoughts were on a post-season ban?

12 MR. FORBES: Objection.

13 THE WITNESS: I'm not in that  
14 decisionmaking process, so I wouldn't think to  
15 have an opinion on that.

16 MR. MCLEOD: Okay. I think that's all I  
17 have, Mr. Johnson. And if they have some other  
18 questions, if I've missed something, I'll come  
19 back to it. I appreciate your patience, sir.

20 THE WITNESS: Okay.

21 MR. MORAN: Matt, I'll go ahead if that's  
22 okay with you. I just have a couple of questions.